



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		January 10, 2011		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
An Ordinance of the City of Plano, Texas repealing Ordinance No. 2008-9-8, codified as Article IX, Electrical Code, of Chapter 6 of the Code of Ordinances of the City of Plano; adopting the 2011 National Electrical Code; with certain additions, deletions, and amendments, as the Electrical Code for the City of Plano; and providing a repealer clause, a severability clause, a penalty clause, a savings clause, a publication clause and an effective date				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2010-11	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS: This item has no fiscal impact.				
SUMMARY OF ITEM				
This ordinance will adopt the most recent version of the National Electrical Code published by the NFPA (National Fire Protection Association) and includes the regional amendments which have been developed by the North Central Texas Council of Governments. Public review of all construction related codes was addressed at work sessions held by the Building Standards Commission in November of 2010. Formal action was taken by the Building Standards Commission at its November 16, 2010 meeting. At that time, the Commission voted unanimously to forward this Code and amendments to the City Council for adoption as the Electrical Code for the City of Plano				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Supporting letter from Council of Governments		Building Standards Commission		
Minutes from BSC 11/16/10				



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MEMORANDUM

December 22, 2010

To: Tom Muehlenbeck, City Manager
From: Selso Mata, Chief Building Official
Subject: 2009 Code adoption
CC: Frank Turner, Deputy City Manager

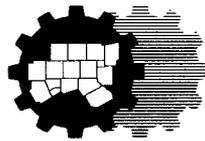
In mid 2009 and throughout 2010 the regional code committees in our North Texas area reviewed the International Code Council's 2009 construction codes and the National Fire Prevention Association's 2011 National Electrical Code (NEC). The culmination of these efforts is summarized in the attached memo from The North Central Texas Council of Governments (NCTCOG) with their recommendation for code adoption. Plano's Building Standards Commission (BSC) subsequently held four meetings this year to further review code amendments and receive stakeholder input. Meeting minutes are attached from each BSC hearing. As a result, the BSC unanimously recommends the 2009 International codes and the 2011 NEC with code amendments to the City Council for the January 10, 2011 meeting with an effective enforcement date of March 1, 2011.

The recommended codes with amendments are:

- 2009 – International Building Code
- 2009 – International Residential Code
- 2009 – International Plumbing Code
- 2009 – International Mechanical Code
- 2009 – International Fuel and Gas Code
- 2009 – International Energy Conservation Code
- 2011 – National Electrical Code

Please let me know if you have any questions or need additional information.

XC: Hugo Esparza, Fire Chief
David Kerr, Fire Marshal



North Central Texas Council Of Governments

TO: Jurisdictions throughout the North Central Texas Region **DATE:** November 23, 2010

SUBJECT: Model Construction Code Recommendations for North Central Texas

The North Central Texas Council of Governments (NCTCOG) has actively promoted the standardization of model construction codes since 1967 in an effort to simplify the construction process, advance the safety of building systems, promote common code interpretation, facilitate the mobility of contractors, and reduce training and construction costs.

In mid 2009, NCTCOG's Regional Codes Coordinating Committee (RCCC) directed its Code Advisory Boards to review the International Code Council's 2009 family of model construction codes and the National Fire Prevention Association's 2011 National Electrical Code. The Advisory Boards, comprised of 101 code professionals representing local jurisdictions and professional associations, held open meetings to consider the codes and achieve consensus on any needed regional amendments. Many national and regional subject matter experts also gave testimony and participated in the process.

As a result, the NCTCOG Executive Board, upon the recommendation of the RCCC and its Advisory Boards, encourages your jurisdiction to adopt the following model construction codes along with their respective regional amendments:

- ◆ **International Building Code – 2009 Edition**
- ◆ **International Residential Code – 2009 Edition**
- ◆ **International Fire Code – 2009 Edition**
- ◆ **International Plumbing Code – 2009 Edition**
- ◆ **International Mechanical Code – 2009 Edition**
- ◆ **International Fuel Gas Code – 2009 Edition**
- ◆ **International Energy Conservation Code - 2009 Edition**
- ◆ **National Electrical Code – 2011 Edition**

NCTCOG recommends adopting these codes with no local amendments other than the regional amendments with an effective date of **January 31, 2011** or as soon as possible thereafter. The ultimate goal is regional uniformity in the model construction codes for the North Central Texas region. NCTCOG feels strongly that municipalities, contractors, architects, builders, and manufacturers will benefit from the positive economic results coming from achievement of that goal.

As a follow-up measure, the RCCC intends to submit some of the regional amendments as proposed changes during the next international code change cycle. In the past, several NCTCOG regional amendments have been incorporated into the codes when those amendments were proposed as code changes to the main documents.

PLEASE NOTE:

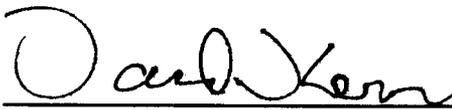
- 1) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the current Energy Code adopted by the State of Texas (the 2003 International Energy Conservation Code).
- 2) The Energy Efficiency amendments have been reviewed by the Energy Systems Laboratory (ESL) at Texas A&M to ensure equivalency with the future Energy Code adopted by the State of Texas (the 2009 International Energy Conservation Code and Chapter 11 of the 2009 International Residential Code).
- 3) An International Code Compliance Calculator (ICCC) has been created by the ESL to demonstrate compliance with the State's Energy Conservation Requirements. The ICCC is "live" and can be accessed at <http://ecalc.tamu.edu>
- 4) There is a wide range in the fire fighting philosophies/capabilities of cities across the region; the consensus of the RCCC has been to include both an OPTION "A" and an OPTION "B" in the fire and building code amendments. Jurisdictions should choose one or the other based on their fire fighting philosophies/capabilities when adopting code amendments.

You may access our website at www.dfwcodes.com to obtain a copy of the recommended regional amendments. For more information regarding regional codes, contact Michael King, Environment & Development Planner, by email at mking@nctcog.org or by phone at (817) 695-9277.

We appreciate your support of our continued efforts toward regional code uniformity. Please send a copy of your adopting ordinance(s) to NCTCOG including amendments. Your ordinance will help us to document the effectiveness of the codes coordinating effort in our region and may be used to provide a model to other jurisdictions.


Mike Eastland, Executive Director
North Central Texas Council of Governments


John Promise, Director
Department of Environment and Development


David Kerr, Chairman
Regional Codes Coordinating Committee

MK/ez

Building Standards Commission
November 16, 2010

Present

Art Stone, Chairman
Jim Kesterson
Gary Johnston
James Craft
Mo Khoshkar, Not seated

Staff

Selso Mata, Building Official
Victoria Huynh, Assistant City Attorney III
David Kerr, Fire Marshall
Scott Neumeyer, Property Standards Manager
Tony Aspen, Fire Department
Gary Church, Property Standards Specialist
Gary Miles, Assistant Building Official
Bill McGovern, Electrical Inspections Supervisor
Diana Casady, Sr. Administrative Assistant

1. Public comments: **No Public Comment**
2. Approval of Minutes from April 20, 2010 meeting.

Chairman Stone asked if anyone had any corrections or comments about the minutes from April 20, 2010. Commission Member Jim Kesterson made the motion approve the minutes as written. Commission Member Gary Johnston seconded the motion. The Commission voted 4/0 in favor of the motion to approve the minutes from April 20, 2010.

3. Approval of Minutes from October 19, 2010 meeting

Chairman Stone asked if anyone had any corrections or comments about the minutes from October 19, 2010. Commission member Gary Johnston made the motion to approve the minutes from the meeting as written. Commission Member James Craft seconded the motion. The Commission voted 4/0 in favor of the motion to approval of the minutes from October 19, 2010.

4. Discussion and possible action regarding the following property's continued non-compliance with the minimum standards required by Chapter 6, Building and Building Regulations, of the City of Plano Code of Ordinances, and consideration of whether to provide further opportunity for the property to come into compliance or to execute final orders for the property at 4124 Merriman Dr., Plano, Texas - Owner- Rolland Brent Shipe

Gary Church, Property Standards Specialist, gave a presentation and testified to the Commission the condition of the property at 4124 Merriman. Mr. Church recommended the property owner be given no more than thirty (30)

days to bring the property into compliance, the property remain vacant until all unsanitary conditions are abated and verified by staff, and if the property owner fails to comply that staff request City of Plano be authorized to abate the unsanitary conditions, secure the structure and recover expenses by filing liens against the property. In addition if the violation are not corrected as ordered by Building Standards Commission, Staff recommends that civil penalties be assessed against the property owner of not less than one-hundred (\$100) dollars per day for each day the property remains in violation for a period of up to one-hundred and eighty (180) days .

Mr. Church answered questions from the Commission.

Ms. Felicia Novell, attorney for property owner Rolland Shipe, testified the property owner has been working diligently to have the property cleaned up. She testified that is not fair for the City to go back to a 2001 incident that occurred there and say that time has anything to do with this. She said this is a new situation and it is not realistic for this to be resolved in the next thirty (30) days. She said her client is requesting ninety (90) days to complete the work and remove the unsanitary conditions. Her client does not have the financial resources to hire someone to do this work for him. Ms. Novell is asking for more time for her client to complete this work, with inspections along the way.

Ms. Novell answered questions from the Commission

The Commission asked Mr. Shipe, property owner, questions concerning the utilities to the home. Mr. Shipe testified that there is still gas on in the home, and the bill is current. The electric is still turned on, but has been turned off at the breaker.

Jeff Matzek, property owner at 4125 Carrizo Dr. testified this is the property directly behind this property. He said he was glad the City was finally doing something about this property. He said this has been going on for many years. He is concerned about the health of his family He said the smell is absolutely disgusting and there needs to be consideration for the neighbors around this property. He does not see any fix to this and he feels this is a repeat pattern. He said giving Mr. Shipe sixty (60) days or ninety (90) days for the clean-up will not change the condition of the property and felt the appropriate remedy is to demolish the structure.

Meeting was closed to public comment and discussion was confined to staff and the commission.

After discussion, Mr. Stone opened the floor to the public and asked Mr. Shipe if he could get the unsanitary conditions completed in thirty (30) days. Mr. Shipe said he could have it done in forty five (45) days. Mr. Stone asked if he could get the dumpster emptied in the next few days and Mr. Shipe stated he could.

Mr. Stone again closed the floor to the public comment.

After discussion Commission Member James Craft made the motion that the owner of this property, Rolland Brent Shipe, be given forty five (45) days from the date of this order, or by December 31, 2010, to correct all interior unsanitary conditions, i.e. removal of all remaining debris, contaminated and/or damaged sheetrock, insulation and baseboards; apply a sanitizer and/or odor eliminator treatment; secure the structure from unauthorized entry until such time the structure is made habitable to bring the property into compliance with all applicable City Codes and Ordinances.

The Commission orders that if the owner does not comply with the terms of this order in its entirety by December 31, 2010, the City of Plano is authorized to take action to abate the above described conditions, and recover all incurred expenses by filing a lien against the property.

The Commission further orders the property remain vacant until a Certificate of Occupancy is issued by the City of Plano and that if the owner does not comply with the terms of this order by December 31, 2010, the City of Plano is authorized to assess a civil penalty against the property owner of \$100.00 per day for each day that the property remains in violation up to one hundred and eighty (180) days.

Commission member Gary Johnston seconded the motion. The Commission voted 4/0 in favor of the motion.

5. Discussion and consideration of recommendation to City Council for the adoption of the 2011 National Electric Code, with amendments.

Bill McGovern, Electrical Inspections Supervisor, presented the amendments for the 2011 National Electrical Code.

After discussion, Commission Member Gary Johnston made the motion to recommend adoption of the 2011 National Electric Code with amendments as presented to the City Council. Commission Member James Craft seconded the motion. The commission voted 4/0 in favor of recommendation.

6. Discussion and consideration of recommendation to City Council for the adoption of the 2009 International Fire Code, with amendments.

David Kerr, Fire Marshall, presented the 2009 International Fire Code with amendments to the Commission.

After presentation and discussion, Chairman Art Stone made motion to recommend adoption of the 2009 International Fire Code with amendments to the City Council. Commission Member Gary Johnston seconded. The Commission voted 4/0 in favor of recommendation.

7. Discussion and opportunity for Public Comment on the recently recommended 2009 International Codes for Building, Residential, Plumbing, Mechanical, Energy and Fuel Gas. These Codes have been recommended for adoption by the Building Standards Commission.

There was no public comment.

8. Items for future agendas

An update on the condition of 4124 Merriman Drive.

The Public Hearing adjourned at 5:50 P.M.



Art Stone, Chairman

An Ordinance of the City of Plano, Texas repealing Ordinance No. 2008-9-8, codified as Article IX, Electrical Code, of Chapter 6 of the Code of Ordinances of the City of Plano; adopting the 2011 National Electrical Code; with certain additions, deletions, and amendments, as the Electrical Code for the City of Plano; and providing a repealer clause, a severability clause, a penalty clause, a savings clause, a publication clause and an effective date.

WHEREAS, on September 8, 2008, by Ordinance No. 2008-9-8, the City Council of the City of Plano adopted the 2008 Edition of National Electrical Code as the Electrical Code of the City, and such Ordinance was codified as Section 6-275 of Article IX, Electrical Code, of Chapter 6 of the Code of Ordinances of the City of Plano; and

WHEREAS, on November 16, 2010 the Building Standards Commission held public hearings to discuss the adoption of the 2011 National Electrical Code, a publication of the National Fire Protections Association, along with the appendices of such Code, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, upon the recommendation of the Building Standards Commission and upon full consideration of all matters attendant and related thereto, the City Council is of the opinion that the 2011 Edition of the National Electrical Code, and the local amendments thereto, should be approved and adopted as the Electrical Code of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The following ordinances or sections thereof, all of which are codified as Article IX, Electrical Code, of Chapter 6 of the Code of Ordinances of the City of Plano, are hereby repealed:

Ordinance No. 2008-9-8, duly passed and approved by the City Council of the City of Plano on September 8, 2008.

Section II. Article IX of Chapter 6 of the Code of Ordinances of the City of Plano, Texas, is hereby replaced to read as follows:

Article IX. ELECTRICAL CODE

DIVISION 1. GENERALLY

Sec. 6-271. Penalty.

Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4 (a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Sec. 6-272 Adopted.

The 2011 edition of the National Electrical Code, as published by the National Fire Protection Association, a copy of which is on file in the office of the City Secretary, is hereby

adopted and designated as the Electrical Code of the City to the same extent as if such code were copied verbatim in this Article.

Sec. 6-273. Short title.

The title of this Article shall be the “Electrical Code of the City of Plano,” and it may be cited as such.

Sec. 6-274. Definitions.

For the purposes of this Article certain terms, phrases, works and their derivatives shall be defined and meanings construed as set out in this section.

Authorized person means an individual or authorized representative of a firm or corporation who is currently licensed under the provisions of this Article to do the work as permitted under the specific provisions of this Article.

Board means the Building Standards Commission as constituted in this Article.

Electrical construction means and includes all work and material used in installing, maintaining and extending a system of electrical wiring and all appurtenances, apparatus, and equipment used in connection therewith, inside of or attached to any building or structure, lot or premises.

Electrical contractor means any person engaged in the business of installing, maintaining or altering, by contract, electrical conductors or equipment.

Electrician means a person who is engaged in the work of electrical construction, maintenance, or repair and who is qualified under the terms and provisions of this Article.

Inspector means an individual who has been designated by the City as an Electrical Inspector.

Intersystem Bonding Termination. A device that provides a means for connecting bonding conductors for communication systems and other systems such as metallic gas piping systems to the grounding electrode system.

Kitchen means an area with a sink and permanent facilities for food preparation and cooking.

Maintenance means the act of keeping in a state of safe operating condition any conductor or piece of equipment used inside or outside, attached or connected to any building electrical system by replacement of units or elements thereof, but shall not include extensions of, or additions or alterations to an existing system or branch thereof.

Owner means any person, firm, partnership, or corporation holding legal title to or in any real property, building, or premises within the City limits.

Plans Examiner means an individual who has been designated by the City of Plano to perform code review on plans submitted to the Building Inspections Department for permitting.

Registered (Licensed) means that the person has made application to the Building Inspections Department and has satisfied the department that the person is qualified to do the work stated in the application, the necessary registration fees to date have been paid, and that the person's name is carried in the records of the Electrical Inspector as a person authorized to do electrical work as defined in this Article.

Repair means the act of restoring to a safe and sound condition as an operating unit or element any conductor or piece of equipment used either inside or outside, attached or connected to a building electrical system, but shall not include extensions of or additions to an existing system or branch thereof.

Special permission means the written consent of the Electrical Inspector. Such permission shall be based upon a reasonable interpretation of this Article with respect to a specific problem where a strict interpretation would create an injustice.

Texas Department of Licensing and Regulation (TDLR) is the umbrella licensing agency for the State of Texas that is responsible for regulating the Texas Electrical Safety and Licensing Act.

Division 2. AMENDMENTS

Sec. 6-275.

Article 110.2; change the following to read as follows:

110.2 Approval. The conductors and equipment required or permitted by this *Code* shall be acceptable only if approved. Approval of equipment may be evident by listing and labeling of equipment by a Nationally Recognized Testing Lab (NRTL) with a certification mark of that laboratory or a qualified third party inspection agency approved by the AHJ.

Exception: Unlisted equipment that is relocated to another location within a jurisdiction or is field modified is subject to the approval by the AHJ. This approval may be by a field evaluation by a NRTL or qualified third party inspection agency approved by the AHJ.

Manufacturer's self-certification of any equipment shall not be used as a basis for approval by the AHJ.

Informational Note: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of *Approved*, *Identified*, *Labeled*, and *Listed*.

230.71 Maximum Number of Disconnects.

(A) General. The service disconnecting means for each service permitted by 230.2, or for each set of service-entrance conductors permitted by 230.40, Exception Nos. 1, 3, 4, or 5, shall consist of not more than six switches or sets of circuit breakers, mounted in a single enclosure, in a group of separate enclosures, or in or on a switchboard. There shall be no more than six sets of disconnects per service grouped in any one location. For the purpose...{text unchanged}...shall not be considered a service disconnecting means.

Exception: Multiple-occupancy buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.

250.30 (A)(4)(2); is amended with the addition of the following sentence; The connection of the grounding electrode conductor to metal water piping shall be ahead of any water shut off valve located within the building or structure.

250.50; is amended with the addition of the following sentence; Any building or structure supplied by a service or feeder with a foundation, footing or piers shall have either a concrete encased electrode, ground ring, 2/0 AWG grounding electrode conductor connecting two eight (8) foot driven ground rods spaced a minimum of twenty (20) feet apart connected by a 2/0 AWG bonding conductor buried in a trench at least 30 inches deep, or chemical electrode installed.

250.64 (B); is amended with the following sentence; Grounding electrode conductors installed on the exterior of a building or structure shall be protected by a non-flexible raceway.

Section 300.11 add an exception.

300.11 Securing and Supporting.

(A) Secured in Place. Raceways, cable assemblies, boxes, cabinets, and fittings shall be securely fastened in place. Support wires that do not provide secure support shall not be permitted as the sole support. Support wires and associated fittings that provide secure support and that are installed in addition to the ceiling grid support wires shall be permitted as the sole support. Where independent support wires are used, they shall be secured at both ends. Cables and raceways shall not be supported by ceiling grids.

Exception: Ceiling grid support wires may be used for structural supports when the associated wiring is located in that area, not more than two raceways or cables supported per wire, with a maximum nominal metric designation 16 (trade size ½”).

Article 310.15(B)(7); change to read as follows:

(7) 120/240-Volt, 3-Wire, Single-Phase Dwelling Services and Feeders. For dwelling units, conductors, as listed in Table 310.15(B)(7), shall be...*{text unchanged}*...provided the requirements of 215.2, 220.61, and 230.42 are met. This Article shall not be used in conjunction with 220.82.

Section 500.8 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
- (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.

Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information. Guidelines for certificates may be found in ANSI/ISA 12.00.02, Certificate Standard for AEx Equipment for Hazardous (Classified) Locations.

Section 505.7(A) changed 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 qualified Licensed Professional Engineer.

Section 680.25(A) changed to read as follows:

680.25 Feeders.

These provisions shall apply to any feeder on the supply side of panelboards supplying branch circuits for pool equipment covered in Part II of this article and on the load side of the service equipment or the source of a separately derived system.

(A) Wiring Methods.

(1) Feeders. Feeders shall be installed in rigid metal conduit or intermediate metal conduit. The following wiring methods shall be permitted if not subject to physical damage:

- (1) Liquidtight flexible nonmetallic conduit

- (2) Rigid polyvinyl chloride conduit
- (3) Reinforced thermosetting resin conduit
- (4) Electrical metallic tubing where installed on or within a building
- (5) Electrical nonmetallic tubing where installed within a building
- (6) Type MC cable where installed within a building and if not subject to corrosive environment
- (7) Nonmetallic-sheathed cable
- (8) Type SE cable

Exception: An existing feeder between existing remote panel board and service equipment shall be permitted to run in flexible metal conduit or an approved cable assembly that includes an equipment grounding conductor within its outer sheath. The equipment grounding conductor shall comply with 250.24(A)(5).

Sec. 6-276-6-279 Reserved.

Sec. 6-280. Electrical signs.

All electrical display signs shall meet the requirements of other sections of this Article and any rule or regulation of any other ordinance or code issued by authority of the governing body of the City and the National Electrical Code, and shall be constructed and installed in accordance with the special regulations set forth in this section. Permits for installation of signs shall be obtained from the Building Inspections Department before any signs are installed. Permit fees shall be obtained and paid for in the manner and in the amount set forth in the fee schedule as adopted by the City Council.

Sec. 6-281. Supervision of work; limitation on employment of apprentices.

(a) In the actual work of installing, maintaining, altering or repairing any electric conductors or equipment for which this Article or other ordinance requires a permit, there shall be present and in direct supervision a qualified electrician of the proper classification. An electrical contractor or master electrician shall be liable and responsible for layout and technical supervision of any work which requires a permit and a journeyman or higher classified grade electrician shall be in direct "on the job" supervision of work carried on specified in this Article. Should it come to the attention of the Electrical Inspector or his assistants that such supervision and control are not being maintained, the Inspector may order the work to be discontinued and the person to whom the permit has been issued shall discontinue further work until proper supervision has been employed or supplied. Nothing in this section shall be construed as prohibiting the employment of apprentices assisting a person duly registered and qualified under the provisions of this Article. It shall be unlawful to have more than four (4) apprentice electricians working under the supervision of a duly registered person on any one job.

(b) A homeowner may personally install electrical conductors or equipment within his place of residence if the owner applies for and receives a permit, pays required fees, does work in accordance with this code, and applies for an inspection. Work performed by a homeowner, under the provisions of this section must be done by himself on homestead premises owned and occupied by him without compensation. The homeowner shall not employ another person to assist him in any way on work done under the provisions of this section.

Sec. 6-282. Inspection and approval or rejection of rough work.

(a) When the rough wiring or installation work authorized by a permit issued under this Article is complete on any permit issued under this Article, the person responsible therefore shall notify the Electrical Inspector that the job is ready for inspection giving proper identification of the work and address. The Electrical Inspector shall then make an inspection of the electrical installation within twenty-four (24) hours from the time of notification (exclusive of Saturdays, Sundays and legal holidays).

(b) If such wiring or installation work has been installed in accordance with the terms or provisions of this Article, the Electrical Inspector shall sign an Inspection Notice noting thereon the date of approval of the work. More than one (1) rough inspection may be made without charge when the progress of construction requires such inspection.

(c) If the electric wiring or installation of fixtures or equipment inspected under this section is found to be faulty or incorrectly or defectively installed, the Electrical Inspector shall attach an Inspection Notice showing rejection of the work and make available to the responsible person who installed such work information as to the changes necessary to be made in order that the work may conform to this Article. The person responsible for such work shall, within twenty-four (24) hours from the time of notification; make or start to make changes ordered and shall proceed with the work until the same is completed. Upon completion thereof, he shall notify the Electrical Inspector to the effect that the defective work has been corrected. The latter then shall cause a reinspection to be made, and if the work is found to comply with this Article he shall sign the inspection card noting thereon the date of approval of the work. If the Electrical Inspector shall again find the work incorrectly installed, they shall notify the responsible person of the necessary changes and shall again reinspect the work. If the responsible electrician does not make the required changes before the permit expires, Contractor Registration shall be cancelled and the inspector shall refuse to issue to any such person any further permits until the work in question is corrected and approved.

Sec. 6-283. Final Inspection and approval or rejection of new work.

Upon completion of all electrical wiring or installations of fixtures or equipment in any building or on any premises for which a permit has been issued under this Article, the permittee shall notify the Electrical Inspector that the work is ready for final inspection, giving the permit number and street address. The Electrical Inspector shall then cause inspection to be made within twenty-four (24) hours from time of notification (exclusive of Sundays and legal holidays). If any faulty wiring or equipment is found, the electrician in charge shall be notified of the changes to be made in order that such work shall conform to this Article. If such work is found to be correctly installed, replaced or repaired, the Electrical Inspector shall endorse his approval upon the inspection certificate stating that the wiring and installation work has been installed in accordance with the provisions of this Article.

Sec. 6-284. Work not to be covered until approved.

It shall be unlawful for any person to cover or cause to be covered any part of a wiring installation with flooring, lath, wallboard, or other material until the Electrical Inspector has approved the wiring installation, in part or as a whole, as required by this Article.

Sec. 6-285. Connection prior to issuance of certificate of approval.

(a) It shall be unlawful for any person to make connections from a source of electrical energy to any electrical wiring, devices or equipment on an installation for which a permit is required by this Article, until a certificate of approval has been issued by the Electrical Inspector authorizing such connection, and the use of such wiring, devices or equipment.

(b) It shall be unlawful for any person to make connections from a source of electrical energy to any electrical wiring, devices or equipment which has been disconnected by order of the Electrical Inspector or the use of which has been prohibited for reasons set forth in this Article until a certificate of approval has been issued by the inspector authorizing the reconnection and use of such wiring, devices or equipment.

Sec. 6-286. Removal of abandoned wire and unused poles and apparatus.

It shall be the duty of the Electrical Inspector to cause all abandoned wire, unused poles or electrical apparatus on the outside of the building or in streets or alleys to be removed at the expense of the owners thereof by giving such owners written notice.

Sec. 6-287. Inspections of existing installation – complaint driven.

Upon receipt of a complaint of suspected violations of this Article, the Electrical Inspector shall inspect/reinspect electric wiring, electric devices and electric equipment previously installed, or that may be installed in any building of the City and within the scope of this Article. If the installation of any such wiring, devices or equipment is found to be defective, dangerous or in an unsafe condition, the Electrical Inspector shall notify the owner in writing of such condition. The person owning, using or operating the same shall make the necessary repairs or changes required to place such wiring, devices or equipment in a safe condition, within five (5) days or any longer period specified by the Electrical Inspector. The Electrical Inspector shall immediately order the disconnection or discontinuance of electrical service to such wiring, device or equipment until the same has been made safe as directed.

Sec. 6-288. Unauthorized alternation of conductors or equipment.

It shall be unlawful for any unauthorized person to, in any manner, change or alter electrical conductors or equipment in or on any building. If, in the course of erecting a building or structure, electrical conductors or equipment have previously been installed in such a position as to interfere with the erection or completion of the structure, notice shall immediately be given the authorized person or firm using the electrical conductors or equipment, and shall be required to accomplish this needed change in accordance with this Article.

Sec. 6-289. Service of notices or orders.

If the person to whom any order or notice issued pursuant to the provisions of this Article is directed, cannot be found after reasonable search has been made, such order or notice may be served by posting the same in a conspicuous place upon the premises occupied by him or where the defects recited in the order or notice are alleged to exist, or on the premises which may be deemed unsafe or dangerous. Such service shall be equivalent to personal service of such order or notice. Any order to

comply with the terms of such order or notice may be sent by mail in a sealed envelope with postage prepaid and directed to the address of the electrician, owner, lessee or occupant of the premises where the defects recited in the order are alleged to exist, and shall be equivalent to personal service of such order.

Sec. 6-290. Modification or waiver.

The electrical regulations of this Article may be modified or waived in writing by the Electrical Inspector pursuant to Section 90-4 of the Electrical Code as amended when such modification or waiver is reasonable and does not differ from the intent of this Article and does not create an injustice. In all cases such waiver shall be obtained from Electrical Inspector prior to starting the work, and a copy of the waiver shall be filed in the office of the Electrical Inspector. A denial of such a waiver may be appealed to the Building Standards Commission.

Sec. 6-291. Liability of City and owner of property for damages.

The regulations of this Article shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating or installing electrical conductors, devices, appliances, fixtures, apparatus, motors, or equipment for damages to persons or buildings caused by any defect therein by reason of the inspection authorized in this Division or the certificate of approved inspection issued by the electrical inspection section as provided in this Division. The City shall not be held liable for any damages by reason of the enforcement of this Article.

Sec. 6-292. Liability of Electrical Inspectors.

Where action is taken by the Electrical Inspectors to enforce the provisions of this Article, such acts shall be done in the name of and on behalf of the City, and the inspectors, in so acting for the City, shall not render themselves personally liable for any damage which may accrue to person or property as a result of any act committed in the discharge of their duties.

Secs. 6-293 – 6-300. Reserved.

DIVISION 3. APPLICATION

Sec. 6-301. Compliance generally.

(a) The provisions of this Article shall apply to all installations of and work done on electrical conductors, fittings, devices, motors, controls, appliances, fixtures, electronic devices, signs and gaseous tubing, within or on public and private buildings and premises, with exceptions as provided in this Article.

(b) All installations of electrical conductors or equipment and all existing installations which are altered shall conform to the requirements for a sufficient and safe electrical structure and system under this Article.

(c) Repair and maintenance work shall be such that if any electrical conductor or equipment is removed and later replaced, the same shall be replaced in accordance with the provision of this Article

Sec. 6-302. Radio and television transmitting equipment.

The provisions of this Article shall apply to electrical equipment used for supplying electrical power for radio transmission in amateur radio transmitting stations and shall apply to all electrical equipment used for power supply to radio and television transmitting equipment, but shall not apply to other electrical equipment used for radio transmission.

Sec. 6-303. City, county and school districts departments and buildings.

The various departments and buildings of the City, the County, and of the Plano Independent School District shall be subject to the provisions of this Article, but shall be exempt from the requirements of fees.

Sec. 6-304. Low voltage conductors and equipment.

This Article shall not apply to low voltage, electrical conductors or equipment when served from a source of supply which is limited by design or construction, other than fuses, so that the voltage shall never exceed fifty (50) volts, and so that current in excess of ten (10) amperes on short circuit would not be possible.

Secs. 6-305 – 6-317. Reserved.

DIVISION 4. ELECTRICAL INSPECTOR

Sec. 6-318. Powers generally.

The Electrical Inspector shall have the following powers:

- (1) To enforce the provisions of this Article and issue citation to any person who violates any of such provisions.
- (2) To enter any house by due process of law, if necessary, during reasonable hours, to examine any electrical wiring or installation of electrical wiring, fixtures or equipment therein, in the performance of his official duties.
- (3) To order the electric disconnection of service where improper or defective wiring exists or where electrical construction or equipment has been installed without a permit as required in this Article.
- (4) To order compliance with provisions of this Article where a change of occupancy occurs in a building which requires changes or alterations to existing wiring.
- (5) To disconnect electrical service or services in cases of emergency where necessary, for safety of persons or property or where electrical equipment may interfere with the work of the fire department.
- (6) To attach to electrical equipment or electrical meters any official notice or seal which might be necessary to prevent the use of electricity. It shall be unlawful for any person to use

any such seal or break, change, destroy, tear, mutilate, cover or otherwise deface or injure any such notice or seal posted by an Electrical Inspector.

Sec. 6-319. Special rulings

If a special ruling by the Electrical Inspector is necessary to govern electrical construction of some particular occupancy or building not covered by this chapter or by the National Electrical Code, as approved by the National Fire Protection Association and adopted in this Article, whereby all wiring for similar types of occupancy or building will be changed in the future, a copy of such ruling shall be filed in the office of the Electrical Inspector, and such special ruling shall be approved by the Board before it becomes effective.

Sec. 6-320 Conflicts of Interest

It shall be unlawful for City Electrical Inspectors to engage in the business of the sale, installation or maintenance of electrical conductors, devices, appliances, fixtures, or other electrical equipment, either directly or indirectly, and they shall have no financial interest in any concern engaged in such business at any time while in the employ of the City as an Electrical Inspector without prior approval by the Department Head.

Secs. 6-321 – 6-326. Reserved.

DIVISION 5. REGISTRATION (LICENSING) OF ELECTRICIANS

Sec. 6-327. Required.

(a) It shall be unlawful for any person to engage in the business of installing, maintaining, altering or repairing any wiring, fixtures, or equipment used for conducting electricity for which a permit is required by this Article, or for any person to in any manner undertake to execute such work, unless such person is licensed in accord with the Texas Department of Licensing and Regulation (TDLR) and has a current certificate of registration per Sec. 6-328.

(b) Only persons who are employed by a registered electrical contractor or a registered electrical sign contractor with the appropriate license category may perform electrical work under the supervision of the master electrician, or master sign electrician whichever is applicable.

(c) Persons who are not licensed electricians may carry out the following classes of work:

(1) The replacement of lamps, fuses and connection of portable devices to suitable receptacles, which have been permanently installed;

(2) The installation, alteration or repairing of any wiring, devices or equipment for the operation of a signal or the transmission of intelligence, where such wiring, devices, appliances, or equipment are operated at a voltage not exceeding fifty (50) volts between conductors and do not include generating equipment;

(3) The installation, alteration or repair of electrical wiring, devices, appliances and equipment by or for an electrical public service corporation operating under a franchise from the City when for the use of such corporation in the generation, transmission, distribution or

metering of electrical energy or for the use of such a corporation in the operation of street railways, signals or transmission of intelligences as specified in Sec. 6-302.

Sec. 6-328. Classifications

There shall be two (2) classes of local electrical registration as follows:

- (1) Electrical Contractor Registration;
- (2) Electrical Sign Contractor Registration;

Sec. 6-329. Application.

(a) *Generally.* To secure a certificate of registration, as a qualified and competent electrician in either of the classes set out in this Division, an application shall be made in writing and addressed to the Building Inspections Department. The application shall show the applicant's name and address, and such other information as may be prescribed by the Building Inspections Department and shall be made out on forms available in the office of the Electrical Inspector.

(b) *Electrical Contractor.* An applicant for a certificate of registration as an electrical contractor shall file with the application an affidavit setting forth the name of the person who is the owner of the business, his address and that of the place of business; or if the business is a firm, partnership or corporation, the names of officers who own or operate the business and their addresses, the address of the business, and the name and address of the person who shall be responsible for the conduct and in charge of the business for all work done under this Article. The applicant shall further state the method of supervision of work to be contracted by the firm and the name of the registered Master Electrician who is legally proficient as specified in this Article, and shall be responsible for the actual installation, repair and/or maintenance of the electrical conductors and equipment which is to be carried on by the person, firm or corporation

(c) *Electrical Sign Contractor.* An applicant for a certificate of registration as an electrical sign contractor shall file with the application an affidavit setting forth the name of the person who is the owner of the business, his address and that of the place of business; or if the business is a firm, partnership or corporation, the names of officers who own or operate the business and their addresses, the address of the business, and the name and address of the person who shall be responsible for the conduct and in charge of the business for all work done under this Article. The applicant shall further state the method of supervision of work to be contracted by the firm and the name of the registered Master Sign Electrician who is legally proficient as specified in this Article, and shall be responsible for the actual installation, repair and/or maintenance of the electrical conductors and equipment which is to be carried on by the person, firm or corporation.

Sec. 6-330. Fees.

The fees for registration of qualified contractors of both classes shall be payable to the City at the Building Inspections Department as set out in the fee schedule as adopted by the City Council.

Sec. 6-331. Reserved

Sec. 6-332. Expiration and renewal of certificates.

(a) A certificate of registration issued under this Division shall expire one (1) year after the date of issue.

(b) Renewal of a certificate of registration shall be accomplished by payment of the fee prescribed by this Division and issuance of a receipt signed by the City Secretary extending the validity of the corresponding numbered certificate for one (1) year only. A new application shall be required for reinstatement of a certificate of registration if the required renewal fee is not paid within six (6) months from the expiration date.

Sec. 6-333. Reserved

Sec. 6-334. Certificates of registration not transferable.

A certificate of registration issued under this Division shall not be transferable. It shall be unlawful for any person to lend, rent or transfer his certificate of registration or any rights there under to any other person, or for any person to make use of any such rights which are not actually his own.

Sec. 6-335. Reserved

Sec. 6-336. Altering certificate or card.

It shall be unlawful for any person other than the Electrical Inspector at the direction of the Building Inspections Department to alter or amend in any manner any registration certificate issued under this Division.

Sec. 6-337. Cards to be carried on person and exhibited upon request.

Every holder of a license issued by the Texas Department of Licensing and Regulation (TDLR) shall carry the license on their person at all times while doing electrical work and shall produce and exhibit it when requested by an Electrical Inspector or proper official of the City.

Sec. 6-338. False representations as to registration.

It shall be unlawful for any person to falsely represent themselves as a registered electrician of any class set forth in this Division or to use the words "electrical contractor," "electrical sign contractor", or words of similar import or meaning on signs, cards, stationery, or by any other manner whatsoever, unless such person is properly registered within the meaning of the words used as provided in this Article.

Sec. 6-339. Record of certificates

The Building Inspections Department shall keep a record of the name and place of business of all persons to whom registration certificates have been issued under this Division, provided that the Department shall not be responsible for the record of any person whose registration has not been renewed or has lapsed for a period in excess of twenty-four (24) months.

Sec. 6-340. License not transferable.

It shall be unlawful for any licensed master electrician, or master sign electrician to allow their license to be used by another electrician to permit any job of electrical wiring in the City.

Sec. 6-341. Suspension or revocation of certificate.

(a) The Chief Building Official or his designee shall have the power to temporarily suspend the certificate of registration of any electrical contractor, or electrical sign contractor who:

(1) Obtains a certificate by fraud or deceit;

(2) Takes out electrical permits in the name of some person, firm, or corporation authorized by law to do electrical work and thereafter permits an unauthorized person to do the work;

(3) Engages in any gross negligence, incompetence, or misconduct in the performance of electrical work within the jurisdiction of the City;

(4) Fails to obtain a permit for electrical work that is performed within the jurisdiction of the City;

(5) Fails to obtain all necessary inspection approval required to complete the work as described in the permit.

(b) The Building Inspections Department shall inform the Board in writing of any temporary suspensions and the basis thereof within two (2) business days of issuing the temporary suspension. A hearing will be scheduled before the Board not later than ten (10) business days from the date the temporary suspension was issued. The alleged violator shall be notified in writing via certified mail of the date, time and location of the hearing. The alleged violator may appear in person or thru counsel or both, at the time and place named in the notice and make defense to the same.

(c) The Board shall have the power, through its chairman or secretary to administer oaths and to compel the attendance of witnesses before it by subpoena issued over the signature of the secretary of the Board. The City Attorney shall provide counsel for the Board.

(d) If the accused admits liability or if upon a hearing the Board, by vote of three (3) or more of its members, shall find them to be true, it shall enter a finding suspending or revoking the certificate of registration of such Electrical Contractor or Electrical Sign Contractor. The Board shall render a decision within forty-eight (48) hours of the hearing.

(e) The Board shall in reciting its decision after a hearing under this section, make provisions for reinstatement. Such reinstatement provisions shall be filed as a part of the record and a copy shall be made and given or mailed within twenty-four (24) hours to the Electrical Contractor or Electrical Sign Contractor. Once the requirements have been fulfilled the Electrical Contractor or Electrical Sign Contractor may notify the Chief Building Official in writing of compliance. If the Chief Building Official determines that all requirements have been fulfilled, the registration shall be reinstated. If the Chief Building Official determines that all requirements have not been fulfilled, the registration shall not be reinstated. Failure to reinstate can be appealed to the Board.

(f) The Building Inspections Department shall inform the board in writing of any failure to reinstate within two (2) business days of issuing the denial. A hearing will be scheduled before the Board not later than ten (10) business days from the date of the denial of reinstatement. The violator shall be notified in writing via certified mail of the date, time and location of the hearing. The violator may appear in person or by counsel or both, at the time and place named in the notice and make defense to the same.

(g) The Board shall render a decision not later than forty-eight (48) hours after a hearing and a copy shall be made and given to the Electrical Contractor or Electrical Sign Contractor within twenty-four (24) hours of the rendering of the decision.

(h) An Electrical Contractor or Electrical Sign Contractor adversely affected by a decision of the Board shall have the right to appeal the decision to the District Court.

(i) It shall be unlawful for any person whose rights under a certificate have been suspended or revoked to engage in or do electrical work for which this Article requires a permit.

Sec. 6-342. Termination of registration.

Each registration certificate, when issued under this Division, shall be issued to a person, firm or corporation to be known as the holder of the registration, and should such firm or corporation dissolve or surrender its charter; such registration shall become null and void. No refund shall ever be made for the un-expired portion of the registration.

Secs. 6-343 – 6-350. Reserved.

DIVISION 6. WORK PERMITS

Sec. 6-351. Required.

(a) It shall be unlawful for any person to install or cause to be installed, or to permit any person to install, any electrical wiring, fixtures or equipment, or to make any alterations, additions, changes or repairs, within the scope of this Article, without first having procured a permit therefore issued by the Electrical Inspector. One (1) permit shall be allowed for each building for which rough work for electrical conductors or electrical equipment is installed.

(b) Notwithstanding the provisions of subsection (a), no permit shall be required for the making of a minor repair or for maintenance work, the replacement of lamps, or the connection of portable electrical equipment to suitable permanently installed receptacles. No permit shall be required of an appropriately registered person for the replacing of a refrigeration motor by another motor of the same horsepower and ampere rating, solenoid valves, low pressure controls, or other controls that are a part of the refrigeration system when the electrical supply to same is or has been properly installed by a registered electrician.

Sec. 6-352. Application.

Application for a permit required by this Division shall be made in writing upon forms provided by the electrical inspection section for that purpose. With such application there shall be filed, when requested by the Electrical Inspector, a diagram or plan showing clearly the character and kind of

wiring or installation of fixtures or equipment to be done. The plan or diagram shall show the manner in which the electrical installation is to be made, or the character of any repairs to any existing electric installation. Such application shall include the following information; street and house number, name of addition where the work is to be done, name of the owner, kind of building, number of stories in the building, and a list of electrical fixtures and appliances to be installed.

Sec. 6-353. Fee.

Prior to issuance of a permit required by this Division, the applicant therefore shall pay a permit fee in accordance with the schedule as adopted by the City Council.

Sec. 6-354. To whom issued.

Permits may be issued to registered Electrical Contractors or Electrical Sign Contractors qualified to secure permits as set forth in this Article, or their duly authorized agents, and to owners to personally perform repair, maintenance or electrical construction work upon premises owned by them. Qualified registered electricians shall certify their duly authorized agents to the Electrical Inspector in the form of an affidavit stating that such registered electrician assumes all and full responsibility for any permit taken out or applied for by such agents. The certification shall be kept in the files of the Building Inspections Department.

Sec. 6-355. Issuance or refusal.

When the Plans Examiner finds the application for a permit under this Division to be correct and the diagram or plan and specifications, when requested are approved and all fees have been paid, he shall cause the permit to be issued. Upon receipt of such permit, the permit tee may start or cause to start the proposed job and make the installation described in his application, requesting inspection by the City inspectors in the proper sequence as the work progresses. If the plans relating to electrical wiring or installation of fixtures or equipment and the permit application are found to be incorrect or faulty, they shall be disapproved and the permit refused, and the Electrical Inspector shall notify the applicant, listing the corrections necessary to comply with this Article and rules and regulations of the inspection section.

Sec. 6-356. Permits for part jobs.

When one (1) Electrical Contractor completes the rough work, in whole or in part, on any electrical wiring or installation of fixtures or equipment and a second Electrical Contractor is called upon to complete the work, regular fees prescribed by this Division shall be paid for the work to be done. Each Electrical Contractor shall be held responsible only for the work installed by the Contractor. Before the second Electrical Contractor is issued a permit for the completion of electrical wiring or installation of fixtures or equipment, the Electrical Inspector shall first notify the electrician holding the original or first permit, if the Electrician can be found that the second permit is to be issued. The issuance of the second permit shall cancel the first permit and no refund of fees shall be made.

Sec. 6-357. Revocation of permit.

The Electrical Inspector shall have the right to revoke a permit issued under this Division if there has been misrepresentation of facts or any violation of the provisions of this Article.

Sec. 6-358 – 6-435. Reserved.

Section III. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity of unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section V. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

Section VI. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. This Ordinance shall become effective March 1, 2011, and after its passage and publication as required by law.

DULY PASSED AND APPROVED on this the 10th day of January, 2011.

Phil Dyer, MAYOR

ATTEST

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY