

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE SECTIONS 25-12-113 AND 25-12-114 RELATING TO REQUIREMENTS OF THE ELECTRICAL CODE FOR REGISTRATION, INSPECTION, SUPERVISION, AND SUSPENSION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 80.2 (*Definitions*) of the Electrical Code, as codified in City Code Section 25-12-113 (*Local Amendments to the Electrical Code – Administration*), is amended to delete the definition of “Subcontractor” and to amend the definitions of “Electrical Contractor” and “Electrical Inspector” and to add a new definition of “Offer to Perform” to read as follows:

Electrical Contractor . A person engaged in electrical contracting under [Under] the [State of Texas Chapter 1305 Title 8,] Texas Occupations Code, Chapter 1305 [means a person engaged in electrical contracting]. For purposes of the Electrical Code, the term “contractor” means electrical contractor.

Electrical Inspector. An electrical inspector authorized by the building official to perform electrical inspections under the requirements of this Code. An electrical inspector must be an employee of the City; have a current Texas Department of Licensing and Regulation Master Electrical License that was issued at least two years before the date the inspector is hired by the City; and have a current certification as a residential and commercial electrical inspector, or electrical inspector general under the certification program established by the International Code Council (ICC), or the International Association of Electrical Inspectors (IAEI), or obtain such certifications within one year [two years] after the date of hire and maintain the certifications thereafter.

Offer to Perform. Any written or verbal communication, proposal, or advertisement that meets the definition of “offer to perform” under Section 73.10 of the Texas Administrative Code.

PART 2. Section 80.19(I)(1) (*Special Inspections Program*) of the Electrical Code, as codified in City Code Section 25-12-113 (*Local Amendments to Electrical Code – Administration*), is amended to read as follows:

(1) Participation in this program is subject to the requirements of this subsection.

(a) A contractor [An electrical contract] participating in the program shall:

(1) register with the City annually under this program and pay a special inspection program registration fee established per the requirements of Section 80.19(E);

(2) submit a completed compliance form to the building official for each permit, no later than one business day from the completion of the permitted electrical work; and

(3) obtain permit as required in Section 80.19(C)(2), no later than one business day from the work start date.

(b) Scope of work under the program may not:

(1) exceed a dollar evaluation of \$2,000.00;

(2) include the disconnection, reconnection, or repair of an electrical service ~~[work]~~;

(3) involve penetration of a fire rated wall or component;

(4) require an electrical rough inspection; or

(5) include more than one stand alone electrical permit.

PART 3. Section 80.36(C) (*Registration*) of the Electrical Code, as codified in City Code Section 25-12-113 (*Local Amendments to Electrical Code – Administration*), is amended to read as follows:

(C) **Registration.** To perform or offer to perform electrical contracting in the jurisdiction of the City, a person must ~~[an electrical contractor shall]~~ register with the City as an electrical contractor in accordance with the requirements of this subsection.

(1) To register as a City electrical contractor, the contractor shall be a licensed electrical contractor in accordance with the requirements of the Texas Occupations Code, Chapter 1305, ~~[the Texas Department of Licensing and Regulation's Title 8, Occupations Code Chapter 1305,]~~ and the ~~[16]~~ Texas Administrative Code, Chapter 73.

(2)[(4)] At the time of registration, an electrical contractor shall designate the name of the licensed master electrician of record employed by the contractor in accordance with the following requirements.[:]

(a)[(2)] The electrical contractor may designate him or herself as the master electrician of record.

(b) The master electrician of record shall not have a City electrical contractor's registration for more than one contracting business.[:]

(c)[(3)] The master electrician of record shall appear in person to register the electrical contracting business.[:]

~~(d)[(4) An electrical contractor may designate a maximum of three agents to obtain electric permits on behalf of the contractor under the contractor's registration; and]~~

(e)[(5)] Except as otherwise provided in this Subsection, an electrical contractor must employ a licensed master electrician as the master electrician of record at all times.

(3) An electrical contractor may designate a maximum of three agents to obtain electric permits on behalf of the contractor under the contractor's registration.

(4) An employee of an electrical contractor registered with the City under this section need not be a registered electrical contractor in order to perform electrical work that is associated with an electrical permit issued to the contractor.

~~[(6) The electrical contractor is not required to employ a licensed master electrician of record provided the electrical contractor is the licensed master electrician of record.]~~

PART 4. Sections 80.37(B) (*Suspension and Registration*) of the Electrical Code, as codified in City Code Section 25-12-113 (*Local Amendments to Electrical Code – Administration*), are amended to read as follows:

(B) The building official may suspend the registration of an electrical contractor after each occurrence of the following offenses: Section 39(A)(2) (causing injury), Section 80.39(A)(9) (contracting to perform, or causing to be performed, electrical work without required license and registration), Section 80.39(A)(16) [80.39(A)(14)] (tampering with an electric meter to commit theft of service), and Section 80.39(A)(19) [80.39(A)(2) or (A)(17)] (endangering [or causing injury to] person or property).

PART 5. Section 80.39(A) (*Offenses*) of the Electrical Code, as codified in City Code Section 25-12-113 (*Local Amendments to Electrical Code – Administration*), is amended to read as follows:

(A) No person, including but not limited to a permittee, licensee, or contractor, ~~[-or subcontractor,]~~ shall:

- (1) permit an unlawful or fraudulent use of an electrical permit;
- (2) perform, or cause to be performed, electrical work that causes injury to a person or property;
- (3) supervise, perform, or cause to be performed, electrical work in violation of the supervision requirements set forth in this Code;
- (4) perform electrical work for which a license or permit is required without the required correct classification of license or permit;
- (5) perform electrical work in violation of restrictions imposed on a restricted license;
- (6) display, cause, permit to be displayed, or possess an instrument purporting to be a license to perform electrical work that is false, expired, suspended, or altered;
- (7) fail or refuse to display a license to perform electrical work in response to a request from the building official;
- (8) permit the use of a license to perform electrical work by, a person other than the person to whom the license was issued;
- (9) contract for, or cause to be performed. electrical work requiring a permit by a person or contractor without the registration and license required by this Code;
- ~~(11)~~(9) employ a person not licensed as a master electrician/contractor, journeyman electrician, residential wireman, or apprentice electrician to perform electrical work that requires an electrical license under this Code;
- ~~(12)~~(10) request the building official to perform inspections of incomplete work or work that has not been properly reviewed by the permit holder or the designated supervisor, on three or more occurrences in a 12 month period;
- ~~(13)~~(11) advertise or otherwise represent to the public that the person is a City registered electrical contractor or licensed electrician of a particular class or type or that the person is authorized or willing to perform functions or services that may only be performed under this Code by City registered electrical contractor or a licensed electrician of a particular class or type, unless the person possesses a license of the required class or type issued under this Code;
- ~~(14)~~(12) employ a person to perform electrical work for which the person is not qualified under this Code;

1 (15)[(13)] supervise a person who is performing electrical work for which the
2 person is not qualified under this Code;

3 (16)[(14)] tamper or interfere with the proper action or registration of an
4 electrical meter to commit theft of service, as that offense is described in the
5 Texas Penal Code;

6 (17)[(15)] obtain a permit for a business other than the business identified on
7 the permittee's City's electrical contractor registration;

8 (18)[(16)] perform electrical work under a permit for a business other than the
9 business identified on the permit authorizing the electrical work;

10 (19)[(17)] perform, or cause to be performed, electrical work in a manner that
11 endangers a person or property;

12 (20)[(18)] fail to provide notification of the change of a business address or
13 contact information provided on the application for a City registration on or
14 before the 10th day after the change occurs;

15 (21)[(19)] refuse to provide picture identification when requested by the
16 building official; or

17 (22)[(20)] fail to comply with the requirements of this Code.

18
19 **PART 6.** Section 80.40 (*Supervision*) of the Electrical Code, as codified in City Code
20 Section 25-12-113 (*Local Amendments to Electrical Code – Administration*), is amended
21 to read as follows:

22 **80.40 Supervision.**

23 (A) There shall be at least one licensed journeyman electrician, licensed master
24 electrician or licensed residential wireman on each site requiring an electrical permit to
25 provide supervision of the electrical work.

26 (B) The permit holder is responsible for electrical work performed under a permit,
27 but fulltime supervision, management, direction, and control may be provided by either
28 the permit holder or an employee or contractor of the permit holder, A residential
29 wireman may only supervise residential projects.

30 (C) The ratio of the licensed master electrician, licensed journeyman electrician, or
31 residential wireman to licensed apprentice electricians shall not exceed one licensed
32 master electrician, licensed journeyman electrician or residential wireman to five licensed
33 apprentice electricians.

1 (D) An inspection request shall not be forwarded to the building official unless the
2 designated supervisor has reviewed the work. [~~A residential wireman is restricted to~~
3 ~~supervise only residential projects.~~]
4

5 **PART 7.** Section 230.70(A)(3) (*Remote Control*) of the Electrical Code, as codified in
6 City Code Section 25-12-114 (*Local Amendments to Electrical Code – Technical*), is
7 repealed.
8

9 **PART 8.** This ordinance takes effect on _____, 2013.
10

11
12 **PASSED AND APPROVED**
13

14
15
16 _____, 2013

§
§
§

17 Lee Leffingwell
18 Mayor
19

20 **APPROVED:** _____

21 Karen M. Kennard
22 City Attorney
23

ATTEST: _____

Jannette S. Goodall
City Clerk