

ORDINANCE NO. 5149

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY REVISING CERTAIN SECTIONS IN CHAPTER 5 (BUILDINGS AND CONSTRUCTION), ARTICLE VIII (ELECTRICAL CODE) FOR THE PURPOSE OF ADOPTING THE 2023 NATIONAL ELECTRICAL CODE, A PUBLICATION OF THE NATIONAL FIRE PROTECTION ASSOCIATION, AND ADOPTING LOCAL AMENDMENTS THERETO; PROVIDING CONFLICTS RESOLUTION, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

WHEREAS, the City Council desires to revise the Mesquite City Code for the purpose of adopting the 2023 National Electrical Code and the additions, deletions, and amendments (“**the local amendments**”) thereto; and

WHEREAS, the City of Mesquite, Texas (“**City**”), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072\(a\)](#); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants, pursuant to Article III, [Section 2](#) of the Mesquite City Charter; and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

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WHEREAS, the City shall have the power to provide for the issuance of permits for erecting all buildings, for the inspection of the construction of buildings in respect to proper wiring for electric lights and other electrical appliances, piping for gas, flues, chimneys, plumbing, and sewer connections; and to enforce proper regulations in regard thereto; and the City shall also have the power to provide for license, permit and inspection fees, pursuant to Article III, [Section 28](#) of the Mesquite City Charter; and

WHEREAS, pursuant to Mesquite City Code, Chapter 5, Art. I, [Sec. 5-6](#) (National Model Codes – Board and City Council review and adoption) the Building Standards Board and the City Council shall conduct public hearings to obtain public comments on the proposed adoption of, or any local amendment to, any international and/or national model building codes(s) and fire codes; and

WHEREAS, on November 19, 2024, the Building Standards Board held a public hearing to discuss and consider the adoption of the 2023 Edition of the National Electrical Code, and the local amendments thereto, and to receive input from the general public and all persons who may be affected by the proposed adoption; and

WHEREAS, the Building Standards Board, by majority vote, has recommended the City Council adopt the attached 2023 Edition of the National Electrical Code and the local amendments thereto; and

WHEREAS, upon the favorable recommendation of the Building Standards Board, and upon full review and consideration of all matters attendant and related thereto, and after conducting a public hearing the City Council is of the opinion this ordinance should be approved and adopted.

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

SECTION 1. Recitals Incorporated.

The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

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SECTION 2.

Public Hearings.

Pursuant to Mesquite City Code, Chapter 5, Art. I, [Sec. 5-6](#) (National Model Codes – Board and City Council review and adoption) the Building Standards Board and the City Council shall conduct public hearings to obtain public comments on the proposed adoption of, or any local amendment to, any international and/or national model building codes(s) and fire codes. Public hearings were held as follows:

2.01. *Building Standards Board.* The Building Standards Board held its public hearing on November 19, 2024.

2.02. *City Council.* The City Council held its public hearing on December 16, 2024.

SECTION 3.

Mesquite City Code Text Amendment.

Amending Chapter 5; Article VIII – Electrical Code.

The Mesquite City Code is hereby amended as identified in **EXHIBIT A**, and shown as new in **EXHIBIT B**, and said exhibits are attached hereto and made a part hereof, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect.

SECTION 4.

Conflicts Resolution Clause.

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 5.

Severability Clause.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

SECTION 6.

Savings Clause.

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Mesquite City Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

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SECTION 7.

Penalty Clause.

Any violation of the provisions or terms of this ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended.

SECTION 8.

Publication.

The descriptive caption of this ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#); and Texas Local Government Code, Chapter 52, [§ 52.013](#).

SECTION 9.

Effective Date.

- 9.01. In accordance with Texas Local Government Code, Title 7, Subtitle A, Chapter 214, Subchapter G, § 214.218 (Immediate Effect of Certain Codes or Provisions Delayed), the City shall delay implementing and enforcing this ordinance for at least 30 days after final adoption.
- 9.02. This ordinance shall become effective and be in force from and after **January 16, 2025**.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 16th DAY OF DECEMBER 2024.

Signed by:

Daniel Aleman

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Daniel Alemán, Jr .
Mayor

ATTEST:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

Signed by:

David L. Paschall

666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 5149

City of Mesquite, Texas

Mesquite City Code

MARK-UP

to various sections in:

**CHAPTER 5 – BUILDINGS AND CONSTRUCTION
ARTICLE VIII. ELECTRICAL CODE**

MESQUITE CITY CODE

* * *

Chapter 5 – BUILDINGS AND CONSTRUCTION

* * *

ARTICLE VIII. ELECTRICAL CODE

[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

DIVISION 1. - Generally

Sec. 5-336. Short title.

This article shall be known and cited as the "Mesquite Electrical Code" and may hereinafter be referred to in this article as "this code."

(Ord. No. 4801, § 2(Exh. G), 9-21-20)

Sec. 5-337. Adopted.

The National Electrical Code (N.E.C.), 2023~~2017~~ Edition, a publication of the National Fire Protection Association, is hereby adopted by reference and incorporated herein to the same extent as if such code were copied verbatim in this Section, subject to the deletions, additions, and amendments ("the local amendments") as may be prescribed in this article. A copy of the National Electrical Code, 2023~~2017~~ Edition, and any local amendments thereto shall be maintained in the Office of the City Secretary.

(Ord. No. 4801, § 2(Exh. G), 9-21-20)

Sec. 5-338. Penalties.

- (a) *Criminal penalty.* Any violation of the provisions or terms of this article by any "person," as defined in Mesquite City Code, Chapter 1, Section 1-2, shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, ~~not to exceed two thousand dollars (\$2,000.00) for each offense~~, as provided in Mesquite City Code, Chapter 1, Section 1-6, as amended. ~~Each day a violation continues shall constitute a separate offense.~~

~~Charter reference(s)—Enforcement of ordinances, Art. III, § 28.~~

~~Cross reference(s)—General penalties; applicability; continuing violations, Sec. 1-6.~~

~~State law reference(s)—~~

~~General Enforcement Authority of Municipalities; Penalty, V.T.C.A. Local Government Code, § 54.001.~~

- (b) *Civil penalty.* The City may file any other civil actions for enforcement of this article as authorized by law.

(Ord. No. 4801, § 2(Exh. G), 9-21-20)

Charter reference— Enforcement of ordinances, Art. III, § 28.

Cross reference— General penalties, § 1-6.

State Law reference— General Enforcement Authority of Municipalities;

Penalty, V.T.C.A. Local Government Code, § 54.001;

Civil Action, V.T.C.A. Local Government Code, § 54.012;

Civil Penalty, V.T.C.A. Local Government Code, § 54.017.

Secs. 5-339—5-344. – Reserved.

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Mesquite City Code, Chapter 5 – Buildings and Construction, Article VIII – Electrical Code

Building Standards Board Meeting Date: November 19, 2024 | City Council Meeting Date: December 16, 2024

[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

DIVISION 2. – AMENDMENTS

Sec. 5-345. Local Amendments to the National Electrical Code, 2023~~2017~~ Edition.

- (a) *Specific code provisions.* Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published National Electrical~~Mechanical~~ Code (N.E.C.), 2023~~2017~~ Edition, and this section, the specific provisions of this section shall control.
- (b) *Table of the local amendments.* The following table contains the local amendments to the N.E.C., 2023~~2017~~ Edition.

(1) Table Legend.

- a. Column 1: Item Reference Number
- b. Column 2: Related N.E.C. Code Section Number and Title
- c. Column 3: Local Amendment to N.E.C.
- d. (...): Dots (...) (i.e., an ellipsis) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the N.E.C., not set forth in this section and instead denoted by dots (...), shall remain intact and unchanged from the language existing prior to adoption of this section.
- e. (* * *): Asterisks (* * *) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the N.E.C., not set forth in this section and instead denoted by asterisks (* * *), shall remain intact and unchanged from the language existing prior to adoption of this section.

(2) TABLE OF LOCAL AMENDMENTS TO THE 2023~~2017~~ NATIONAL ELECTRICAL CODE

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[Editor’s Note: Repeal the existing Table and replace with the following new text to now read as follows:]

No.	NEC Code Section No. Title	Local Amendment to NEC
01	NEC NFPA 70 National Electrical Code 2023 Edition	<p><i>Amend by adding a sentence to read as follows:</i></p> <p>NFPA 70</p> <p>National Electrical Code (“NEC”)</p> <p>2023 Edition</p> <p>These regulations shall be known as the Electrical Code of the City of Mesquite, Texas, ("Mesquite Electrical Code") and may be hereinafter referred to as "this code."</p> <p>Important Note:</p> <p style="text-align: center;">* * *</p> <p>Updates, Alerts, and Future Editions:</p> <p style="text-align: center;">* * *</p>
02	NEC 90.5 Final Inspection.	<p><i>Add the following new section as follows:</i></p> <p>Article 90 Introduction.</p> <p>90.5 Final Inspection.</p> <p><i>Every permit required by this Code, and the Mesquite City Code, shall be required to pass a final inspection after all work has been completed.</i></p>

EXHIBIT A TO ORDINANCE NO. 5149 .**Mesquite City Code, Chapter 5 – Buildings and Construction, Article VIII – Electrical Code**

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03	NEC 90.6 Appeals.	<p><i>Add the following new section as follows:</i></p> <p>90.6 Appeals.</p> <p>(A) In General: Except as otherwise provided, any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).</p> <p>(B) Appeal of an Administrative Decision relative to a Certificate of Occupancy: When an appeal of an administrative decision is relative to a Certificate of Occupancy the appeal shall be to the Board of Adjustment for its denial, revocation, suspension, or otherwise (in accordance with Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106 (Certificate of Occupancy)).</p> <p>The process and procedures for appealing an administrative decision relative to a Certificate of Occupancy, or any other administrative decision made under the Mesquite Zoning Ordinance, are set forth in Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210 (Appeals of Administrative Decisions to Board of Adjustment).</p>
04	NEC 90.7 Schedule of permit fees.	<p><i>Add the following new section as follows:</i></p> <p>90.7 Schedule of permit fees.</p> <p>See Mesquite City Code, Appendix D - <i>Comprehensive Fee Schedule</i>, for applicable fees.</p>
05	NEC 90.8 Refunds.	<p><i>Add the following new section as follows:</i></p> <p>90.8 Refunds. In the case where a fee was paid or collected erroneously, the Building Official shall authorize a one hundred percent (100%) refund of said fee. In the case where a fee was paid or collected and when no work was performed under a permit issued in accordance with this Code, the Building Official may authorize a partial refund, of not more than eighty percent (80%) of the permit fee, in accordance with this Section. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180-days from the date of fee payment.</p>

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06	NEC Article 100 Definitions	<p><i>Add the following to definitions:</i></p> <p style="text-align: center;">* * *</p> <p>Engineering Supervision. Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.</p> <p style="text-align: center;">* * *</p>
07	NEC 110.2 Approval	<p><i>Amend section in its entirety to read as follows:</i></p> <p>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 or a field evaluation by a Field Evaluation Body accredited by either the International Code Council International Accreditation Service AC354 or ANSI National Accreditation Board programs and approved by the AHJ.</p> <p>Exception: <i>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 or a field evaluation by a Field Evaluation Body accredited by either the ICC IAS AC354 or ANAB programs and approved by the AHJ.</i></p> <p>Informational Note No. 1: 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.</p> <p>Informational Note No. 2: Manufacturer's self-certification of equipment may not necessarily comply with U.S. product safety standards as certified by an NRTL.</p> <p>Informational Note No. 3: National Fire Protection Association (NFPA) 790 and 791 provide an example of an approved method for qualifying a third-party inspection agency.</p>

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08	NEC 110.12 Mechanical Execution of Work	<p><i>Amend the subsection in its entirety to read as follows:</i></p> <p>110.12 Mechanical Execution of Work.</p> <p style="text-align: center;">* * *</p> <p>(B) Integrity of Electrical Equipment and Connections. Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, shall not be damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, corrosive residues or influences, fire, products of combustion, or water. There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent, cut; or deteriorated by corrosion, chemical action, or overheating. Except where prohibited elsewhere in this Code, equipment shall be specifically evaluated by its manufacturer or a qualified testing laboratory prior to being returned to service.</p> <p style="text-align: center;">* * *</p>
09	NEC 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.	<p><i>Amend the exception in its entirety to read as follows:</i></p> <p>210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.</p> <p style="text-align: center;">* * *</p> <p>(A) Dwelling Units.</p> <p style="text-align: center;">* * *</p> <p><i>Exception No. 4:</i> <i>Factory-installed receptacles that are not readily accessible and are mounted internally to exhaust fan assemblies shall not require GFCI protection unless required by the installation instructions or listing.</i></p> <p style="text-align: center;">* * *</p>

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10	<p>NEC 210.52 Dwelling Unit Receptacle Outlets.</p> <p>(C)(1) Wall Spaces.</p>	<p><i>Amend the exceptions to eliminate Exception No. 2 leaving only one exception:</i></p> <p>210.52. Dwelling Unit Receptacle Outlets.</p> <p style="text-align: center;">* * *</p> <p>(C) Countertops and Work Surfaces.</p> <p style="text-align: center;">* * *</p> <p>(1) Wall Spaces.</p> <p style="text-align: center;">* * *</p> <p><i>Exception: Receptacle outlets shall not be required directly behind a range, counter-mounted cooking unit, or sink in the installation described in Figure 210.52(C)(1).</i></p> <p style="text-align: center;">* * *</p>
11	<p>NEC 210.52 Dwelling Unit Receptacle Outlets.</p> <p>(c)(2) Island and Peninsular Countertops and Work Surfaces.</p>	<p><i>Amend the subsection to read as follows:</i></p> <p>210.52. Dwelling Unit Receptacle Outlets.</p> <p style="text-align: center;">* * *</p> <p>C) Countertops and Work Surfaces.</p> <p style="text-align: center;">* * *</p> <p>(2) Island and Peninsular Countertops and Work Surfaces.</p> <p>Receptacle outlets, if installed to serve an island or peninsular countertop or work surface, shall be installed in accordance with 210.52(C)(3). If a receptacle outlet is not provided to serve an island or peninsular countertop or work surface, a Chapter 3 wiring method shall be installed and supplied from a Small Appliance Branch Circuit to a Listed Outlet Box in the Peninsular or Island Cabinet at an Accessible Location, for future addition of a receptacle outlet to serve the island or peninsular countertop or work surface.</p> <p style="text-align: center;">* * *</p>

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12	<p>NEC 210.63 Equipment Requiring Servicing.</p> <p>(B)(2) Indoor Equipment Requiring Dedicated Equipment Spaces.</p>	<p><i>Amend the subsection to delete the last part of the last sentence to now read as follows:</i></p> <p>210.63 Equipment Requiring Servicing.</p> <p style="text-align: center;">* * *</p> <p>(B) Other Electrical Equipment.</p> <p>In other than one- and two-family dwellings, a receptacle outlet shall be located as specified in 210.63(B)(1) and (B)(2).</p> <p>(1) Indoor Service Equipment.</p> <p>The required receptacle outlet shall be located within the same room or area as the service equipment.</p> <p>(2) Indoor Equipment Requiring Dedicated Equipment Spaces.</p> <p>Where equipment, other than service equipment, requires dedicated equipment space as specified in 110.26(E), the required receptacle outlet shall be located within the same room or area as the electrical equipment.</p>
13	<p>NEC 220.7 Load Calculation</p>	<p><i>Add the following new section:</i></p> <p>220.7 Load Calculation. A load calculation shall be provided upon request when modifications to the electrical installation occur.</p>
14	<p>NEC 230.85 Emergency Disconnects.</p> <p>(C) Replacement.</p>	<p><i>Amend the exception in its entirety to read as follows:</i></p> <p>230.85 Emergency Disconnects.</p> <p style="text-align: center;">* * *</p> <p>(C) Replacement.</p> <p>Where service equipment is replaced, all of the requirements of this section shall apply.</p> <p><i>Exception: Where a pre-existing installation is Code Compliant with 230.70 A, only meter sockets, service entrance conductors, or related raceways and fittings are replaced, the requirements of this section shall not apply.</i></p> <p style="text-align: center;">* * *</p>

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15	NEC 410.118 Access to Other Boxes.	<p><i>Amend the section to add and exception to read as follows:</i></p> <p>410.118 Access to Other Boxes. Luminaires recessed in the ceilings, floors, or walls shall not be used to access outlet, pull, or junction boxes or conduit bodies, unless the box or conduit body is an integral part of the listed luminaire.</p> <p>Exception: <i>Removable luminaires with a minimum measurement of 22 in. X 22 in. shall be permitted to be used as access to outlet, pull, junction boxes or conduit bodies.</i></p>
16	NEC 422.31 Disconnection of Permanently Connected Appliances.	<p><i>Amend the Informational Note and add an additional Information note to read as follows:</i></p> <p>422.31 Disconnection of Permanently Connected Appliances. * * *</p> <p>(B) Appliances Rated over 300 Volt-Amperes. For permanently connected appliances rated over 300 volt-amperes, the branch-circuit switch or circuit breaker shall be permitted to serve as the disconnecting means where the switch or circuit breaker is within sight from and is readily accessible to the appliance it serves or is capable of being locked in the open position in accordance with 110.25 and is readily accessible to the appliance it serves.</p> <p>Informational Note No. 1: For appliances employing unit switches, see 422.34.</p> <p>Informational Note No 2: The following means of access are considered to constitute readily accessible for this code change when conforming to the additional access requirements of the I Codes:</p> <ul style="list-style-type: none"> (1) A permanent stair. (2) A pull-down stair with a minimum 300 lb. (136 kg) capacity. (3) An access door from an upper floor level. <p style="text-align: center;">* * *</p>

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17	NEC Article 500.8 Equipment.	<p><i>Amend the text prior to subsection (A), and amend subsection (A) in its entirety to read as follows:</i></p> <p>500.8 Equipment. Articles 500 through 504 require equipment construction and installation that ensure safe performance under conditions of proper use and maintenance.</p> <p>Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to installation and maintenance.</p> <p>Informational Note No. 2: Since there is no consistent relationship between explosion properties and ignition temperature, the two are independent requirements.</p> <p>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.</p> <p>(A) Suitability. Suitability of identified equipment shall be determined by one of the following:</p> <ul style="list-style-type: none">(1) Equipment listing or labeling;(2) Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation; or,(3) By Special Permission Only, Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation accompanied by or an owner's engineering judgment an engineering judgment signed and sealed Under Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ. <p>Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information.</p> <p style="text-align: center;">* * *</p>
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18	<p>NEC 505.7 Special Precaution.</p> <p>(A) Implementation of Zone Classification System.</p>	<p><i>Amend the subsection in its entirety to read as follows:</i></p> <p>505.7 Special Precaution. This article requires equipment construction and installation that ensures safe performance under conditions of proper use and maintenance.</p> <p>Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care regarding the installation and maintenance of electrical equipment in hazardous (classified) locations.</p> <p>Informational Note No. 2: Electrical equipment that is dependent on the protection technique permitted 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. Low ambient conditions require special consideration. At low ambient temperatures, flammable concentrations of vapors might not exist in a location classified Class I, Zones 0, 1, or 2 at normal ambient temperature.</p> <p>(A) Implementation of Zone Classification System. Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.</p> <p>GO TO TBPE LAW FOR THE DEFINITION OF AN ENGINEER https://pels.texas.gov/downloads/lawrules.pdf</p> <p style="text-align: center;">* * *</p>
19	<p>NEC 690.9 Overcurrent Protection.</p> <p>(D) Transformers.</p>	<p><i>Amend the subsection to delete the exception to read as follows:</i></p> <p>690.9 Overcurrent Protection.</p> <p style="text-align: center;">* * *</p> <p>(D) Transformers. Overcurrent protection for power transformers shall be installed in accordance with 705.30(F).</p> <p style="text-align: center;">* * *</p>

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20	<p>NEC 695.6 Power Wiring.</p> <p>(A)(1) Services and on-Site Power Production Facilities.</p>	<p><i>Amend the subsection to delete the exception to read as follows:</i></p> <p>695.6 Power Wiring.</p> <p style="text-align: center;">* * *</p> <p>(A) Supply Conductors.</p> <p>(1) Services and On-Site Power Production Facilities. Service conductors and conductors supplied by on-site power production facilities shall be physically routed outside a building(s) and shall be installed as service-entrance conductors in accordance with 230.6, 230.9, and Parts III and IV of Article 230. Where supply conductors cannot be physically routed outside of buildings, the conductors shall be permitted to be routed through the building(s) where installed in accordance with 230.6(1) or (2).</p> <p>Informational Note: See 250.24 (C) for routing the grounded conductor to the service equipment.</p> <p style="text-align: center;">* * *</p>
21	<p>NEC 705.8 System Installation.</p>	<p><i>Amend the section in its entirety to read as follows:</i></p> <p>705.8 System Installation. Installation of one or more electrical power production sources operating in parallel with a primary source(s) of electricity shall be performed only by qualified persons. During the installation there shall be on site one of the following:</p> <p>(1) A person holding a Master Electrician License issued by the Texas Department of Licensing and Regulation.</p> <p>(2) A person holding a Journeyman Electrician License issued by the Texas Department of Licensing and Regulation.</p>
22	<p>NEC 705.80 Power Source Capacity.</p>	<p><i>Amend the section in its entirety to add the last sentence to read as follows:</i></p> <p>705.80 Power Source Capacity.</p> <p>For interconnected power production sources that operate in island mode, capacity shall be calculated using the sum of all power source output maximum currents for the connected power production source. Solar photovoltaic (PV) and wind systems shall not be included in the sum capacity.</p>

(Ord. No. 4801, § 2(Exh. G), 9-21-20)

Secs. 5-346—5-350. – Reserved.

EXHIBIT B

To Ordinance No. 5149

City of Mesquite, Texas

Mesquite City Code

SHOWN AS NEW:

CHAPTER 5 – BUILDINGS AND CONSTRUCTION
ARTICLE VIII. ELECTRICAL CODE

MESQUITE CITY CODE

* * *

Chapter 5 – BUILDINGS AND CONSTRUCTION

* * *

ARTICLE VIII. ELECTRICAL CODE

DIVISION 1. - Generally

Sec. 5-336. Short title.

This article shall be known and cited as the "Mesquite Electrical Code" and may hereinafter be referred to in this article as "this code."

(Ord. No. 4801, § 2(Exh. G), 9-21-20)

Sec. 5-337. Adopted.

The National Electrical Code (N.E.C.), 2023 Edition, a publication of the National Fire Protection Association, is hereby adopted by reference and incorporated herein to the same extent as if such code were copied verbatim in this Section, subject to the deletions, additions, and amendments ("the local amendments") as may be prescribed in this article. A copy of the National Electrical Code, 2023 Edition, and any local amendments thereto shall be maintained in the Office of the City Secretary.

(Ord. No. 4801, § 2(Exh. G), 9-21-20)

Sec. 5-338. Penalties.

(a) *Criminal penalty.* Any violation of the provisions or terms of this article by any "person," as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended.

(b) *Civil penalty.* The City may file any other civil actions for enforcement of this article as authorized by law.

(Ord. No. 4801, § 2(Exh. G), 9-21-20)

Charter reference— Enforcement of ordinances, Art. III, § 28.

Cross reference— General penalties, [§ 1-6](#).

State Law reference— General Enforcement Authority of Municipalities;

Penalty, V.T.C.A. Local Government Code, § 54.001;

Civil Action, V.T.C.A. Local Government Code, § 54.012;

Civil Penalty, V.T.C.A. Local Government Code, § 54.017.

Secs. 5-339—5-344. – Reserved.

DIVISION 2. – AMENDMENTS

Sec. 5-345. Local Amendments to the National Electrical Code, 2023 Edition.

- (a) *Specific code provisions.* Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published National Electrical Code (N.E.C.), 2023 Edition, and this section, the specific provisions of this section shall control.
- (b) *Table of the local amendments.* The following table contains the local amendments to the N.E.C., 2023 Edition.

(1) Table Legend.

- a. Column 1: Item Reference Number
- b. Column 2: Related N.E.C. Code Section Number and Title
- c. Column 3: Local Amendment to N.E.C.
- d. (...): Dots (...) (i.e., an ellipsis) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the N.E.C., not set forth in this section and instead denoted by dots (...), shall remain intact and unchanged from the language existing prior to adoption of this section.
- e. (* * *): Asterisks (* * *) indicate the omission of intact and unchanged text which has not been reproduced for efficiency purposes. It is intended that the text in the N.E.C., not set forth in this section and instead denoted by asterisks (* * *), shall remain intact and unchanged from the language existing prior to adoption of this section.

(2) TABLE OF LOCAL AMENDMENTS TO THE 2023 NATIONAL ELECTRICAL CODE

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EXHIBIT A TO ORDINANCE NO. 5149.

Mesquite City Code, Chapter 5 – Buildings and Construction, Article VIII – Electrical Code

Building Standards Board Meeting Date: November 19, 2024 | City Council Meeting Date: December 16, 2024

No.	NEC Code Section No. Title	Local Amendment to NEC
01	NEC NFPA 70 National Electrical Code 2023 Edition	<i>Amend by adding a sentence to read as follows:</i> NFPA 70 National Electrical Code (“NEC”) 2023 Edition These regulations shall be known as the Electrical Code of the City of Mesquite, Texas, ("Mesquite Electrical Code") and may be hereinafter referred to as "this code." <i>Important Note:</i> * * * <i>Updates, Alerts, and Future Editions:</i> * * *
02	NEC 90.5 Final Inspection.	<i>Add the following new section as follows:</i> Article 90 Introduction. 90.5 Final Inspection. <i>Every permit required by this Code, and the Mesquite City Code, shall be required to pass a final inspection after all work has been completed.</i>

EXHIBIT A TO ORDINANCE NO. 5149.

Mesquite City Code, Chapter 5 – Buildings and Construction, Article VIII – Electrical Code

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03	NEC 90.6 Appeals.	<p><i>Add the following new section as follows:</i></p> <p>90.6 Appeals.</p> <p>(A) In General: Except as otherwise provided, any person shall have the right to appeal an administrative decision of the Building Official, Fire Official, or any other City official to the Building Standards Board, when said decision is relative to the application, enforcement, or interpretation of this Code.</p> <p>The Building Standards Board is established in Mesquite City Code, Chapter 20, Article IV, Division 4 (Building Standards Board).</p> <p>The process and procedures for appealing an administrative decision are set forth in Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board).</p> <p>(B) Appeal of an Administrative Decision relative to a Certificate of Occupancy: When an appeal of an administrative decision is relative to a Certificate of Occupancy the appeal shall be to the Board of Adjustment for its denial, revocation, suspension, or otherwise (in accordance with Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106 (Certificate of Occupancy)).</p> <p>The process and procedures for appealing an administrative decision relative to a Certificate of Occupancy, or any other administrative decision made under the Mesquite Zoning Ordinance, are set forth in Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210 (Appeals of Administrative Decisions to Board of Adjustment).</p>
04	NEC 90.7 Schedule of permit fees.	<p><i>Add the following new section as follows:</i></p> <p>90.7 Schedule of permit fees.</p> <p>See Mesquite City Code, Appendix D - <i>Comprehensive Fee Schedule</i>, for applicable fees.</p>
05	NEC 90.8 Refunds.	<p><i>Add the following new section as follows:</i></p> <p>90.8 Refunds. In the case where a fee was paid or collected erroneously, the Building Official shall authorize a one hundred percent (100%) refund of said fee. In the case where a fee was paid or collected and when no work was performed under a permit issued in accordance with this Code, the Building Official may authorize a partial refund, of not more than eighty percent (80%) of the permit fee, in accordance with this Section. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180-days from the date of fee payment.</p>

EXHIBIT A TO ORDINANCE NO. 5149.

Mesquite City Code, Chapter 5 – Buildings and Construction, Article VIII – Electrical Code

Building Standards Board Meeting Date: November 19, 2024 | City Council Meeting Date: December 16, 2024

06	NEC Article 100 Definitions	<p>Add the following to definitions:</p> <p style="text-align: center;">* * *</p> <p>Engineering Supervision. Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.</p> <p style="text-align: center;">* * *</p>
07	NEC 110.2 Approval	<p>Amend section in its entirety to read as follows:</p> <p>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 or a field evaluation by a Field Evaluation Body accredited by either the International Code Council International Accreditation Service AC354 or ANSI National Accreditation Board programs and approved by the AHJ.</p> <p>Exception: <i>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 or a field evaluation by a Field Evaluation Body accredited by either the ICC IAS AC354 or ANAB programs and approved by the AHJ.</i></p> <p>Informational Note No. 1: 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.</p> <p>Informational Note No. 2: Manufacturer's self-certification of equipment may not necessarily comply with U.S. product safety standards as certified by an NRTL.</p> <p>Informational Note No. 3: National Fire Protection Association (NFPA) 790 and 791 provide an example of an approved method for qualifying a third-party inspection agency.</p>

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Mesquite City Code, Chapter 5 – Buildings and Construction, Article VIII – Electrical Code

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08	NEC 110.12 Mechanical Execution of Work	<p><i>Amend the subsection in its entirety to read as follows:</i></p> <p>110.12 Mechanical Execution of Work.</p> <p style="text-align: center;">* * *</p> <p>(B) Integrity of Electrical Equipment and Connections. Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, shall not be damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, corrosive residues or influences, fire, products of combustion, or water. There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent, cut; or deteriorated by corrosion, chemical action, or overheating. Except where prohibited elsewhere in this Code, equipment shall be specifically evaluated by its manufacturer or a qualified testing laboratory prior to being returned to service.</p> <p style="text-align: center;">* * *</p>
09	NEC 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.	<p><i>Amend the exception in its entirety to read as follows:</i></p> <p>210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.</p> <p style="text-align: center;">* * *</p> <p>(A) Dwelling Units.</p> <p style="text-align: center;">* * *</p> <p><i>Exception No. 4:</i> <i>Factory-installed receptacles that are not readily accessible and are mounted internally to exhaust fan assemblies shall not require GFCI protection unless required by the installation instructions or listing.</i></p> <p style="text-align: center;">* * *</p>

EXHIBIT A TO ORDINANCE NO. 5149.

Mesquite City Code, Chapter 5 – Buildings and Construction, Article VIII – Electrical Code

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10	NEC 210.52 Dwelling Unit Receptacle Outlets. (C)(1) Wall Spaces.	<p><i>Amend the exceptions to eliminate Exception No. 2 leaving only one exception:</i></p> <p>210.52. Dwelling Unit Receptacle Outlets.</p> <p style="text-align: center;">* * *</p> <p>(C) Countertops and Work Surfaces.</p> <p style="text-align: center;">* * *</p> <p>(1) Wall Spaces.</p> <p style="text-align: center;">* * *</p> <p><i>Exception: Receptacle outlets shall not be required directly behind a range, counter-mounted cooking unit, or sink in the installation described in Figure 210.52(C)(1).</i></p> <p style="text-align: center;">* * *</p>
11	NEC 210.52 Dwelling Unit Receptacle Outlets. (c)(2) Island and Peninsular Countertops and Work Surfaces.	<p><i>Amend the subsection to read as follows:</i></p> <p>210.52. Dwelling Unit Receptacle Outlets.</p> <p style="text-align: center;">* * *</p> <p>C) Countertops and Work Surfaces.</p> <p style="text-align: center;">* * *</p> <p>(2) Island and Peninsular Countertops and Work Surfaces.</p> <p>Receptacle outlets, if installed to serve an island or peninsular countertop or work surface, shall be installed in accordance with 210.52(C)(3). If a receptacle outlet is not provided to serve an island or peninsular countertop or work surface, a Chapter 3 wiring method shall be installed and supplied from a Small Appliance Branch Circuit to a Listed Outlet Box in the Peninsular or Island Cabinet at an Accessible Location, for future addition of a receptacle outlet to serve the island or peninsular countertop or work surface.</p> <p style="text-align: center;">* * *</p>

Mesquite City Code, Chapter 5 – Buildings and Construction, Article VIII – Electrical Code

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12	<p>NEC 210.63 Equipment Requiring Servicing.</p> <p>(B)(2) Indoor Equipment Requiring Dedicated Equipment Spaces.</p>	<p><i>Amend the subsection to delete the last part of the last sentence to now read as follows:</i></p> <p>210.63 Equipment Requiring Servicing.</p> <p style="text-align: center;">* * *</p> <p>(B) Other Electrical Equipment.</p> <p>In other than one- and two-family dwellings, a receptacle outlet shall be located as specified in 210.63(B)(1) and (B)(2).</p> <p>(1) Indoor Service Equipment.</p> <p>The required receptacle outlet shall be located within the same room or area as the service equipment.</p> <p>(2) Indoor Equipment Requiring Dedicated Equipment Spaces.</p> <p>Where equipment, other than service equipment, requires dedicated equipment space as specified in 110.26(E), the required receptacle outlet shall be located within the same room or area as the electrical equipment.</p>
13	<p>NEC 220.7 Load Calculation</p>	<p><i>Add the following new section:</i></p> <p>220.7 Load Calculation. A load calculation shall be provided upon request when modifications to the electrical installation occur.</p>
14	<p>NEC 230.85 Emergency Disconnects.</p> <p>(C) Replacement.</p>	<p><i>Amend the exception in its entirety to read as follows:</i></p> <p>230.85 Emergency Disconnects.</p> <p style="text-align: center;">* * *</p> <p>(C) Replacement.</p> <p>Where service equipment is replaced, all of the requirements of this section shall apply.</p> <p><i>Exception: Where a pre-existing installation is Code Compliant with 230.70 A, only meter sockets, service entrance conductors, or related raceways and fittings are replaced, the requirements of this section shall not apply.</i></p> <p style="text-align: center;">* * *</p>

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15	NEC 410.118 Access to Other Boxes.	<p><i>Amend the section to add and exception to read as follows:</i></p> <p>410.118 Access to Other Boxes. Luminaires recessed in the ceilings, floors, or walls shall not be used to access outlet, pull, or junction boxes or conduit bodies, unless the box or conduit body is an integral part of the listed luminaire.</p> <p>Exception: <i>Removable luminaires with a minimum measurement of 22 in. X 22 in. shall be permitted to be used as access to outlet, pull, junction boxes or conduit bodies.</i></p>
16	NEC 422.31 Disconnection of Permanently Connected Appliances.	<p><i>Amend the Informational Note and add an additional Information note to read as follows:</i></p> <p>422.31 Disconnection of Permanently Connected Appliances. * * *</p> <p>(B) Appliances Rated over 300 Volt-Amperes. For permanently connected appliances rated over 300 volt-amperes, the branch-circuit switch or circuit breaker shall be permitted to serve as the disconnecting means where the switch or circuit breaker is within sight from and is readily accessible to the appliance it serves or is capable of being locked in the open position in accordance with 110.25 and is readily accessible to the appliance it serves.</p> <p>Informational Note No. 1: For appliances employing unit switches, see 422.34.</p> <p>Informational Note No 2: The following means of access are considered to constitute readily accessible for this code change when conforming to the additional access requirements of the I Codes:</p> <ul style="list-style-type: none">(1) A permanent stair.(2) A pull-down stair with a minimum 300 lb. (136 kg) capacity.(3) An access door from an upper floor level. <p>* * *</p>

Mesquite City Code, Chapter 5 – Buildings and Construction, Article VIII – Electrical Code

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17	NEC Article 500.8 Equipment.	<p><i>Amend the text prior to subsection (A), and amend subsection (A) in its entirety to read as follows:</i></p> <p>500.8 Equipment. Articles 500 through 504 require equipment construction and installation that ensure safe performance under conditions of proper use and maintenance.</p> <p>Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care with regard to installation and maintenance.</p> <p>Informational Note No. 2: Since there is no consistent relationship between explosion properties and ignition temperature, the two are independent requirements.</p> <p>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.</p> <p>(A) Suitability. Suitability of identified equipment shall be determined by one of the following:</p> <ul style="list-style-type: none">(1) Equipment listing or labeling;(2) Evidence of equipment evaluation from a qualified testing laboratory or inspection agency concerned with product evaluation; or,(3) By Special Permission Only, Evidence acceptable to the authority having jurisdiction such as a manufacturer's self-evaluation accompanied by or an owner's engineering judgment an engineering judgment signed and sealed Under Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ. <p>Informational Note: Additional documentation for equipment may include certificates demonstrating compliance with applicable equipment standards, indicating special conditions of use, and other pertinent information.</p> <p style="text-align: center;">* * *</p>
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18	<p>NEC 505.7 Special Precaution.</p> <p>(A) Implementation of Zone Classification System.</p>	<p><i>Amend the subsection in its entirety to read as follows:</i></p> <p>505.7 Special Precaution. This article requires equipment construction and installation that ensures safe performance under conditions of proper use and maintenance.</p> <p>Informational Note No. 1: It is important that inspection authorities and users exercise more than ordinary care regarding the installation and maintenance of electrical equipment in hazardous (classified) locations.</p> <p>Informational Note No. 2: Electrical equipment that is dependent on the protection technique permitted 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. Low ambient conditions require special consideration. At low ambient temperatures, flammable concentrations of vapors might not exist in a location classified Class I, Zones 0, 1, or 2 at normal ambient temperature.</p> <p>(A) Implementation of Zone Classification System. Classification of areas, engineering and design, selection of equipment and wiring methods, installation, and inspection shall be performed Supervision by a Qualified State of Texas Licensed Professional Engineer engaged primarily in the design or maintenance of electrical installations as referenced by TBPELS 137.59 (a)(b) as acceptable by the AHJ.</p> <p>GO TO TBPE LAW FOR THE DEFINITION OF AN ENGINEER https://pels.texas.gov/https://pels.texas.gov/downloads/lawrules.pdf</p> <p style="text-align: center;">* * *</p>
19	<p>NEC 690.9 Overcurrent Protection.</p> <p>(D) Transformers.</p>	<p><i>Amend the subsection to delete the exception to read as follows:</i></p> <p>690.9 Overcurrent Protection.</p> <p style="text-align: center;">* * *</p> <p>(D) Transformers. Overcurrent protection for power transformers shall be installed in accordance with 705.30(F).</p> <p style="text-align: center;">* * *</p>

EXHIBIT A TO ORDINANCE NO. 5149.

Mesquite City Code, Chapter 5 – Buildings and Construction, Article VIII – Electrical Code

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21	<p>NEC 705.8 System Installation.</p>	<p><i>Amend the section in its entirety to read as follows:</i></p> <p>705.8 System Installation. Installation of one or more electrical power production sources operating in parallel with a primary source(s) of electricity shall be performed only by qualified persons. During the installation there shall be on site one of the following:</p> <p>(1) A person holding a Master Electrician License issued by the Texas Department of Licensing and Regulation.</p> <p>(2) A person holding a Journeyman Electrician License issued by the Texas Department of Licensing and Regulation.</p>
22	<p>NEC 705.80 Power Source Capacity.</p>	<p><i>Amend the section in its entirety to add the last sentence to read as follows:</i></p> <p>705.80 Power Source Capacity.</p> <p>For interconnected power production sources that operate in island mode, capacity shall be calculated using the sum of all power source output maximum currents for the connected power production source. Solar photovoltaic (PV) and wind systems shall not be included in the sum capacity.</p>

(Ord. No. 4801, § 2(Exh. G), 9-21-20)

Secs. 5-346—5-350. – Reserved.