

Building Code Board of Appeals

Agenda

**September 15, 2016
City Hall, Council Chambers
749 Main Street
6:30 PM**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes
 - May 15, 2016
 - July 21, 2016
- V. Public Comments on Items Not on the Agenda
- VI. Regular Business
 - 2014 National Electric Code (NEC) Adoption
- VII. Update
 - Fire Sprinkler Final Decision
- VIII. Staff Comments
- IX. Board Comments
- X. Date of next meeting
 - November 17, 2016
- XI. Discussion Items for Next Meeting
- XII. Adjourn

Building Code Board of Appeals

Meeting Minutes

May 19, 2016
City Hall, City Council Chambers
749 Main Street
6:35 PM

CALL TO ORDER – Chairperson Geise called the meeting to order at 6:34 PM.

ROLL CALL was taken and the following members were present:

Board Members Present: Peter Geise, Chairman
Matthew Berry, Vice Chair
Robert Van Pelt
Heidi Triebhorn
Thomas Ramsey
Steve Knapp

Staff Members Present: Ken Swanson, Chief Building Official
Monica Garland, Senior Administrative Assistant

APPROVAL OF AGENDA

Approval on minutes needed to be added. Van Pelt moved and Knapp seconded the motion to approve the agenda. Motion passed by all members present.

PUBLIC COMMENTS

None heard.

REGULAR BUSINESS

2014 National Electric Code (NEC) Adoption

Due to the current workload of staff the adoption will be brought forth at the July 19, 2016 meeting.

DISCUSSION

Wind Speed Clarification

Berry has suggested a change in the wording on the design criteria for wind speed. In most cases, the computer software used by manufacturers doesn't calculate the correct wind speed. Adding wording and an additional, higher wind speed will help to correct the difference in the pre-engineered materials.

Berry moved and Van Pelt seconded to motion to approve the amended design criteria with the wind speed notes. Motion passed by all members present.

UPDATE

None heard.

STAFF COMMENTS

Staff will be adding a discussion item for the next meeting in regards to the sprinkler code requirement. They are looking to receive feedback from the Board on when they believe fire sprinkler systems are required in residential homes based on the codes and conversations that were held in the approval process of the 2012 ICC codes.

There was a discussion on if the Board felt it was necessary to have this discussion at the alternate June 16, 2016 date or if it should be on the regular July 21, 2016 agenda. It was determined it worked best for all parties to have it at the July 21st meeting.

BOARD COMMENTS

Van Pelt stated there might be some items on the Sustainability Advisory Boards agenda that may be of concern to staff and the department. Staff stated they would look into this.

NEXT MEETING

July 21, 2016

DISCUSSION ITEMS FOR NEXT MEETING

- 2014 NEC Adoption
- Sprinkler Code Requirements

ADJOURN

The meeting adjourned at 7:24 PM.

Building Code Board of Appeals

Meeting Minutes

July 21, 2016
City Hall, City Council Chambers
749 Main Street
6:30 PM

CALL TO ORDER – Chairperson Geise called the meeting to order at 6:31 PM.

ROLL CALL was taken and the following members were present:

Board Members Present: Peter Geise, Chairman
Matthew Berry, Vice Chair
Robert Van Pelt
Thomas Ramsey
Steve Knapp

Board Members Absent: Heidi Triebhorn

Staff Members Present: Ken Swanson, Chief Building Official
Monica Garland, Senior Administrative Assistant

APPROVAL OF AGENDA

Van Pelt moved and Knapp seconded the motion to approve the agenda. Motion passed by all members present.

APPROVAL OF MINUTES

Geise moved and Knapp seconded the motion to approve the agenda. Motion passed by all members present.

PUBLIC COMMENTS

None heard.

REGULAR BUSINESS

2014 National Electric Code (NEC) Adoption

Staff brought back the 2014 NEC adoption as previously brought forth at the March 16, 2016 meeting. The board brought back up concerns and asked for staff to look at adding an amendment amending out the GFI requirement in regards to sump pumps. The board has seen where the GFI has not worked in regards to sump pumps and the potential for flooding.

Staff will have a discussion with the electrical inspector and the contract inspector to make a determination on if in their professional opinion, this amendment is acceptable.

DISCUSSION

Fire Sprinkler Code Requirements

Staff asked the board members for their professional opinion in regards to the fire sprinkler codes and what constitutes a scrape off. After discussion and consensus was reached and the board made the determination that a scrape is when the full building and foundation is removed. This instance would then trigger the fire sprinkler system based on the code adoption and discussions which were had at the time of adoption.

Staff will take this consensus and also information that will be collected from other jurisdictions and staff and make a determination.

UPDATE

None heard.

STAFF COMMENTS

Staff updated the Board on the implementation of the new permit software system. The system will go live on Tuesday, September 27th.

BOARD COMMENTS

None heard.

NEXT MEETING

September 15, 2016

DISCUSSION ITEMS FOR NEXT MEETING

- 2014 NEC Adoption
- Fire Sprinkler Code Final decision

ADJOURN

The meeting adjourned at 7:39 PM.

MEMORANDUM

To: Honorable Chair and Members of the Building Code Board of Appeals

From: Building Safety Division

Subject: 2014 National Electric Code (NEC) Adoption

Date: September 15, 2016

The City is currently under the 2011 National Electric Code (NEC). The State adopted the 2014 NEC in July of 2015. Staff is looking to adopt the 2014 NEC to bring the city to the state level.

Staff is looking to adopt the 2014 NEC in its entirety and will remove previous 2011 NEC amendments in the Louisville Municipality Code (LMC) sections 15.48.070 and 15.48.080. See the attached LMC with changes.

Staff has taken the recommendation of adopting out the section in regards to GFIs required with sump pumps and after conversations with the electrical and contracted electrical inspectors, a determination has been made to not adopt this section out.

Chapter 15.48 - NATIONAL ELECTRICAL CODE^[1]

Footnotes:

--- (1) ---

Editor's note—Ord. No. 1652-2013, § 10, adopted Feb. 18, 2014, repealed the former ch. 15.48, §§ 15.48.010—15.48.080, and enacted a new chapter as set out herein. The former ch. 15.48 pertained to similar subject matter and derived from Ord. No. 1562-2009, § 8, adopted Dec. 1, 2009.

Sec. 15.48.010. - Adoption.

Pursuant to C.R.S. Title 31, Article 16, as amended:

The National Electrical Code, 201~~4~~⁴⁴ Edition, published by the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101, is adopted by reference thereto and incorporated into and made a part of the Louisville Municipal Code. The purpose and subject matter of the National Electrical Code include minimum regulations for the practical safeguarding of persons and property from the hazards arising from the use of electricity and minimum standards relating to the installation of electrical conductors and equipment within or on public and private buildings and other structures, including mobile homes, recreational vehicles, and floating dwelling units, and other premises such as yards, carnivals, parking and other lots, and industrial substations.

(Ord. No. 1652-2013, § 10, 2-18-2014)

Sec. 15.48.020. - Section 80.13(13) revised.

Section 80.13(13) of the 201~~4~~⁴⁴ Edition of the National Electrical Code is amended to read as follows:

Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspection and shall conduct the inspection within three (3) days.

(Ord. No. 1652-2013, § 10, 2-18-2014)

Sec. 15.48.030. - Section 80.15 deleted.

Section 80.15 of the National Electrical Code, regarding the Electrical Board, is deleted in its entirety.

(Ord. No. 1652-2013, § 10, 2-18-2014)

Sec. 15.48.040. - Section 80.19(F)(3) revised.

Section 80.19(F)(3) of the 201~~4~~⁴⁴ Edition of the National Electrical Code is amended to read as follows:

When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm, or

corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector, provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the Electrical Inspector due notice in advance, and inspections shall be made periodically during the progress of the work.

(Ord. No. 1652-2013, § 10, 2-18-2014)

Sec. 15.48.050. - Permit fees.

The permit fees for electrical work within the City of Louisville shall be calculated in accordance with the fee adopted by resolution of the City Council from time to time.

(Ord. No. 1652-2013, § 10, 2-18-2014)

Sec. 15.48.060. - Interpretation.

In case of a dispute or a question regarding the interpretation of the National Electrical Code where the matter is not specified by ordinance of the city, the interpretation of the state electrical board and their policies shall prevail and be enforced as part of the National Electrical Code by the city.

(Ord. No. 1652-2013, § 10, 2-18-2014)

~~Sec. 15.48.070. — Article 225 amended.~~

~~Article 225 of the 2011 Edition of the National Electrical Code is amended by the addition of a new section 225-32 to read as follows:~~

~~225-32. Location. The disconnecting means shall be installed at an approved, readily accessible location nearest the point of entrance of the conductors either directly inside an exterior door at grade level or at grade level outside of each building or structure served. This disconnect location shall apply to conductors that pass through the building or structure in Article 225-31.~~

~~(Ord. No. 1652-2013, § 10, 2-18-2014)~~

~~Sec. 15.48.080. — Section 230-70(a) amended.~~

~~Section 230-70(a) of the 2011 Edition of the National Electrical Code is amended to read as follows:~~

~~230-70(a). Location. The service disconnecting means shall be installed at an approved, readily accessible location outside of a building or structure at grade level.~~

~~EXCEPTION NO. 1: The service disconnecting means may be installed inside the building or structure provided it is directly inside an exterior door at grade level immediately adjacent to the entrance of the service conductors and metering equipment.~~

~~EXCEPTION NO. 2: A remote keyed switch may be installed in an approved location adjacent to the fire department's emergency access to the building or structure, provided, ground-fault protection for equipment is installed in accordance with the provisions of section 230-95.~~

~~(Ord. No. 1652-2013, § 10, 2-18-2014)~~

Informative Annex H Administration and Enforcement

Informative Annex H is not a part of the requirements of this NFPA document and is included for informational purposes only. This informative annex is informative unless specifically adopted by the local jurisdiction adopting the National Electrical Code®.

80.1 Scope. The following functions are covered:

- (1) The inspection of electrical installations as covered by 90.2
- (2) The investigation of fires caused by electrical installations
- (3) The review of construction plans, drawings, and specifications for electrical systems
- (4) The design, alteration, modification, construction, maintenance, and testing of electrical systems and equipment
- (5) The regulation and control of electrical installations at special events including but not limited to exhibits, trade shows, amusement parks, and other similar special occupancies

80.2 Definitions.

Authority Having Jurisdiction. The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure.

Chief Electrical Inspector. An electrical inspector who either is the authority having jurisdiction or is designated by the authority having jurisdiction and is responsible for administering the requirements of this Code.

Electrical Inspector. An individual meeting the requirements of 80.27 and authorized to perform electrical inspections.

80.3 Purpose. The purpose of this article shall be to provide requirements for administration and enforcement of the National Electrical Code.

80.5 Adoption. Article 80 shall not apply unless specifically adopted by the local jurisdiction adopting the National Electrical Code.

80.7 Title. The title of this Code shall be NFPA 70, National Electrical Code®, of the National Fire Protection Association. The short title of this Code shall be the NEC®.

80.9 Application.

(A) New Installations. This Code applies to new installations. Buildings with construction permits dated after adoption of this Code shall comply with its requirements.

(B) Existing Installations. Existing electrical installations that do not comply with the provisions of this Code shall be permitted to be continued in use unless the authority having jurisdiction determines that the lack of conformity with this Code presents an imminent danger to occupants. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

(C) Additions, Alterations, or Repairs. Additions, alterations, or repairs to any building, structure, or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of this Code. Additions, alterations, installations, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the authority having jurisdiction. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the Code in force at the time the additions are made.

80.11 Occupancy of Building or Structure.

~~**(A) New Construction.** No newly constructed building shall be occupied in whole or in part in violation of the provisions of this Code.~~

(B) Existing Buildings. Existing buildings that are occupied at the time of adoption of this Code shall be permitted to remain in use provided the following conditions apply:

- (1) The occupancy classification remains unchanged
- (2) There exists no condition deemed hazardous to life or property that would constitute an imminent danger

80.13 Authority. Where used in this article, the term *authority having jurisdiction* shall include the chief electrical inspector or other individuals designated by the governing body. This Code shall be administered and enforced by the authority having jurisdiction designated by the governing authority as follows.

- (1) The authority having jurisdiction shall be permitted to render interpretations of this Code in order to provide clarification to its requirements, as permitted by 90.4.
- (2) When the use of any electrical equipment or its installations is found to be dangerous to human life or property, the authority having jurisdiction shall be empowered to have the premises disconnected from its source of electric supply, as established by the Board. When such equipment or installation has been so con-

demned or disconnected, a notice shall be placed thereon listing the causes for the condemnation, the disconnection, or both, and the penalty under 80.23 for the unlawful use thereof. Written notice of such condemnation or disconnection and the causes therefor shall be given within 24 hours to the owners, the occupant, or both, of such building, structure, or premises. It shall be unlawful for any person to remove said notice, to reconnect the electrical equipment to its source of electric supply, or to use or permit to be used electric power in any such electrical equipment until such causes for the condemnation or disconnection have been remedied to the satisfaction of the inspection authorities.

- (3) The authority having jurisdiction shall be permitted to delegate to other qualified individuals such powers as necessary for the proper administration and enforcement of this Code.
- (4) Police, fire, and other enforcement agencies shall have authority to render necessary assistance in the enforcement of this Code when requested to do so by the authority having jurisdiction.
- (5) The authority having jurisdiction shall be authorized to inspect, at all reasonable times, any building or premises for dangerous or hazardous conditions or equipment as set forth in this Code. The authority having jurisdiction shall be permitted to order any person(s) to remove or remedy such dangerous or hazardous condition or equipment. Any person(s) failing to comply with such order shall be in violation of this Code.
- (6) Where the authority having jurisdiction deems that conditions hazardous to life and property exist, he or she shall be permitted to require that such hazardous conditions in violation of this Code be corrected.
- (7) To the full extent permitted by law, any authority having jurisdiction engaged in inspection work shall be authorized at all reasonable times to enter and examine any building, structure, or premises for the purpose of making electrical inspections. Before entering a premises, the authority having jurisdiction shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection except in those instances where an emergency exists. As used in this section, *emergency* means circumstances that the authority having jurisdiction knows, or has reason to believe, exist and that reasonably can constitute immediate danger to persons or property.
- (8) Persons authorized to enter and inspect buildings, structures, and premises as herein set forth shall be identified by proper credentials issued by this governing authority.
- (9) Persons shall not interfere with an authority having jurisdiction carrying out any duties or functions prescribed by this Code.
- (10) Persons shall not use a badge, uniform, or other credentials to impersonate the authority having jurisdiction.
- (11) The authority having jurisdiction shall be permitted to investigate the cause, origin, and circumstances of any fire, explosion, or other hazardous condition.
- (12) The authority having jurisdiction shall be permitted to require plans and specifications to ensure compliance with this Code.
- (13) Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspection and shall conduct the inspection within ___ days.
- (14) The authority having jurisdiction shall be permitted to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants.
- (15) The authority having jurisdiction shall be permitted to waive specific requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety. Technical documentation shall be submitted to the authority having jurisdiction to demonstrate equivalency and that the system, method, or device is approved for the intended purpose.
- (16) Each application for a waiver of a specific electrical requirement shall be filed with the authority having jurisdiction and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The authority having jurisdiction shall keep a record of actions on such applications, and a signed copy of the authority having jurisdiction's decision shall be provided for the applicant.

80.15 Electrical Board.

(A) Creation of the Electrical Board. There is hereby created the Electrical Board of the _____ of _____, hereinafter designated as the Board.

(B) Appointments. Board members shall be appointed by the Governor with the advice and consent of the Senate (or by the Mayor with the advice and consent of the Council, or the equivalent).

- (1) Members of the Board shall be chosen in a manner to reflect a balanced representation of individuals or

such certificates shall be issued to expire at a time to be stated therein and shall be revocable by the Electrical Inspector for cause.

(3) When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the equipment shall notify the Electrical Inspector, and the equipment shall not be concealed until it has been approved by the Electrical Inspector or until _____ days have elapsed from the time of such notification, provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the Electrical Inspector due notice in advance, and inspections shall be made periodically during the progress of the work.

(4) At regular intervals, the Electrical Inspector having jurisdiction shall visit all buildings and premises where work may be done under annual permits and shall inspect all electrical equipment installed under such permits since the date of the previous inspection. The Electrical Inspector shall issue a certificate of approval for such work as is found to be in conformity with the provisions of Article 80 and all applicable ordinances, orders, rules, and regulations, after payments of all required fees.

(5) If, upon inspection, any installation is found not to be fully in conformity with the provisions of Article 80, and all applicable ordinances, rules, and regulations, the Inspector making the inspection shall at once forward to the person, firm, or corporation making the installation a written notice stating the defects that have been found to exist.

(G) Revocation of Permits. Revocation of permits shall conform to the following:

(1) The authority having jurisdiction shall be permitted to revoke a permit or approval issued if any violation of this *Code* is found upon inspection or in case there have been any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.

(2) Any attempt to defraud or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by this *Code* shall be a violation of this *Code*. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates, or permits issued by this jurisdiction. In addition, any such violation shall be subject to any other criminal or civil penalties as available by the laws of this jurisdiction.

(3) Revocation shall be constituted when the permittee is duly notified by the authority having jurisdiction.

(4) Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefor has been suspended or revoked pursuant to the provisions of this *Code*, and before such suspended permit has been reinstated or a new permit issued, shall be in violation of this *Code*.

(5) A permit shall be predicated upon compliance with the requirements of this *Code* and shall constitute written authority issued by the authority having jurisdiction to install electrical equipment. Any permit issued under this *Code* shall not take the place of any other license or permit required by other regulations or laws of this jurisdiction.

(6) The authority having jurisdiction shall be permitted to require an inspection prior to the issuance of a permit.

(7) A permit issued under this *Code* shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

(H) Applications and Extensions. Applications and extensions of permits shall conform to the following:

(1) The authority having jurisdiction shall be permitted to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit.

(2) Applications for permits shall be made to the authority having jurisdiction on forms provided by the jurisdiction and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the authority having jurisdiction, such as plans and specifications, location, and so forth. Fees shall be determined as required by local laws.

(3) The authority having jurisdiction shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the authority having jurisdiction, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.

80.21 Plans Review. Review of plans and specifications shall conform to (A) through (C).

(A) Authority. For new construction, modification, or rehabilitation, the authority having jurisdiction shall be permitted to review construction documents and drawings.