

ORDINANCE NO. 1284

AN ORDINANCE OF THE CITY OF FORT MORGAN, COLORADO, AMENDING ITS ADOPTION BY REFERENCE OF THE NATIONAL ELECTRIC CODE; AND MAKING CONFORMING AMENDMENTS TO CHAPTER 21 OF THE FORT MORGAN MUNICIPAL CODE

WHEREAS, the City of Fort Morgan, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, the City Council (the "Council") has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances and enact laws to govern and regulate building, and electric codes within its territory; and

WHEREAS, pursuant to that authority, the City has previously adopted the National Electric Code, as adopted by the State of Colorado, codified in Chapter 21, Article 4 of Fort Morgan Municipal Code (the "Code"); and

WHEREAS, the Council recognizes the value of various International and technical Codes, including the National Electric Code, as providing commonly-adopted uniform standards for public health, safety, and welfare issues relating to the subject matter of each and as the standards recommended by the City Building Department; and

WHEREAS, the City no longer conducts its own electric inspections and now relies on the state to handle such inspections; and

WHEREAS, the City wishes to revise Article 4 of Chapter 21 of the Code to allow conformance to the State of Colorado Electrical Code; and

WHEREAS, the Council desires to amend Chapter 21 of the Code by repealing certain sections within Divisions 3 and 5 of Article 4, and by amending various other portions of Article 4, concerning electrical regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, as follows:

SECTION 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

SECTION 2. The following sections within Division 3 of Article 4 of Chapter 21 of the Fort Morgan Municipal Code, concerning electrical inspector are hereby repealed in their entirety:

- Sec. 21-4-210
- Sec. 21-4-220
- Sec. 21-4-230
- Sec. 21-4-240
- Sec. 21-4-250

SECTION 3. The following sections within Division 5 of Article 4 of Chapter 21 of the Fort Morgan Municipal Code, concerning certificate of inspection, are hereby repealed in their entirety:

- Sec. 21-4-520
- Sec. 21-4-530
- Sec. 21-4-540

- Sec. 21-4-550
- Sec. 21-4-560
- Sec. 21-4-570
- Sec. 21-4-580

SECTION 4. Section 21-4-10 of the Fort Morgan Municipal Code, concerning Adoption of the National Electrical Code, is hereby amended to read as follows:

Sec. 21-4-10. - Adoption.

The most recent edition of The National Electrical Code, also referred to as NFPA 70, as it becomes published sponsored by the National Fire Protection Association, Quincy, Massachusetts, as adopted by the State of Colorado, is adopted with amendments as noted in this article and as may be made from time to time. The purpose of the electrical code is to provide a practical safeguarding of persons and of buildings, structures and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling and for other purposes. The National Electrical Code, referred to in this article as the "N.E.C.," is on file in the offices of the city clerk, the city attorney, and the chief building official, and open to the inspection of the public at reasonable times.

SECTION 5. Section 21-4-15 of the Fort Morgan Municipal Code, concerning Amendments to the National Electrical Code, is hereby amended to read as follows:

Sec. 21-4-15. - Amendments.

(a) Section 110.26 of the National Electric Code is revised to read and provide as follows:

- (1) Indoor. Indoor installations shall comply with 110.26(E)(1)(a) through (E)(l).
 - a. Dedicated Electrical Space. The space equal to the width and depth of the equipment and extending from the floor to a height of 1.8 m (6 ft) above the equipment or to the structural ceiling, whichever is lower, shall be dedicated to the electrical installation. No piping, ducts, leak protection apparatus, or other equipment foreign to the electrical installation shall be located in this Dedicated Electrical Space and the Dedicated Electrical Space shall not be located behind any personal door utilized to access the Dedicated Electrical Space.

Exceptions:

1. Suspended ceilings with removable panels shall be permitted within the 1.8-m (6-ft) zone.
2. Single phase, 225 amps or less, electrical installations may be installed behind a personal door in a single family dwelling unit.

SECTION 6. Section 21-4-140 of the Fort Morgan Municipal Code, concerning Right of entry for inspection, is hereby amended to read as follows:

Sec. 21-4-140. - Right of entry for inspection.

The Electrical Inspector Chief Building Official, or any person designated by him or her or by the City Council as inspector for such purpose, shall have the right, at any reasonable hour, to enter any place of business or other premises in the City for the purpose of inspecting, locating or attempting to locate any wire, machine, device, apparatus or instrument of any kind whatsoever which interferes with radio or television reception. Any person who shall prevent or attempt to prevent the Electrical Inspector Chief Building Official or any person designated by the City Council for

such person, from entering any premises in the City, shall be deemed guilty of a misdemeanor in violation of this Section and may be punished as provided in Section 1-4-10 of this Code.

SECTION 7. Section 21-4-170 of the Fort Morgan Municipal Code, concerning Liability for installation, is hereby amended to read as follows:

Sec. 21-4-170. – Liability for installation generally.

This Chapter shall not be construed to relieve or lessen the responsibility of any person owning, operating or installing any electrical wires, appliances, apparatus, construction or equipment for the damage to anyone injured by any defect therein. Nor shall the City, or any agent thereof, be held as assuming any such liability by reason of the inspection authorized by Section 21-4-140 above or the certificate of inspection issued by the Electrical Inspector Chief Building Official under Section 21-4-510 of this Article.

SECTION 8. Section 21-4-260 of the Fort Morgan Municipal Code, concerning Inspections and notification of unsafe condition is hereby amended to read as follows:

Sec. 21-4-260. – Inspections; notification of unsafe condition.

The Electrical Inspector Chief Building Official periodically shall make a thorough examination of all the electrical wires and appliances installed within the City, and when such wires or appliances are found to be in a dangerous or unsafe condition, he or she shall notify the person owning, using, operating or installing the same to place them in a safe condition.

SECTION 9. Section 21-4-270 of the Fort Morgan Municipal Code, concerning Power to discontinue service, is hereby amended to read as follows:

Sec. 21-4-270. – Power to discontinue service.

The Electrical Inspector Chief Building Official is hereby empowered with authority to order the discontinuance of electrical service to wires or appliances found to be defective by him or her until they have been repaired, removed or changed as directed by the Electrical Inspector Chief Building Official, subject to the limitations of this Article.

SECTION 10. Section 21-4-280 of the Fort Morgan Municipal Code, concerning Right of entry and emergency power cut, is hereby amended to read as follows:

Sec. 21-4-280. – Right of entry; emergency power cut.

The Electrical Inspector Chief Building Official shall have the right during reasonable hours to enter any public or private buildings in the discharge of his or her official duties or for the purpose of making any inspection or test of the electrical wires and appliances contained therein, and shall have the authority to cause the turning off of all electrical currents and cut or disconnect in cases of emergency any wire where such electrical currents are dangerous to life or property.

SECTION 11. Section 21-4-290 of the Fort Morgan Municipal Code, concerning Time limit for repairs and penalty, is hereby amended to read as follows:

Sec. 21-4-290. – Time limit for repairs; penalty.

Any person failing or refusing to have the necessary repairs or changes required by the Electrical Inspector State of Colorado completed within five (5) days or any longer period which may be deemed reasonable by the Electrical Inspector State of Colorado after the receipt of notice from and pay unto the City a sum of five dollars (\$5.00) for each day which shall elapse after the expiration of the period.

SECTION 12. Section 21-4-410 of the Fort Morgan Municipal Code, concerning Required applications, is hereby amended to read as follows:

Sec. 21-4-410. – Required; application; issuance; expiration.

(a) Before any electrical construction work is started, either for the installation of apparatus or the repairing of apparatus already in use, the person responsible for such work shall file with the office of the State of Colorado Electrical Board an application for a construction and inspection permit. Electrical Inspector an application for a construction and inspection permit describing in detail the material and appliances intended to be used. Such application shall give the location of the work by street and number and shall be signed by the person under whose supervision the work is to be done. If found proper and conforming to the rules and regulations of this Article, a permit shall be issued. No such work shall be permitted unless done under the supervision of a duly qualified person.

(b) ~~A permit shall be valid for a period of twelve (12) months, and the Electrical Inspector shall cancel the permit at the end of the twelve-month period, except in the following circumstances:~~

- (1) ~~If an applicant makes a showing at the time of the application that the electrical work is substantial and is likely to take longer than twelve (12) months, then a permit valid for a period longer than twelve (12) months, but not more than three (3) years, may be issued.~~
- (2) ~~If a permittee notifies the office of the Electrical Inspector prior to the expiration of the twelve-month period, the permit may be extended for a period not to exceed the original twelve (12) months, and not more than an additional six (6) months.~~
- (3) ~~If, after a permit has expired or has been cancelled, the work remains incomplete and one (1) or more electrical inspections is required to be performed, a new permit must be applied for and granted before the work can proceed and inspections performed.~~

SECTION 13. Section 21-4-440 of the Fort Morgan Municipal Code, concerning Plans and specifications, is hereby amended to read as follows:

Sec. 21-4-440. – Plans and specifications prerequisite to issuance.

Electrical contractors shall furnish such plans and specifications of proposed work as may be deemed necessary by the Chief Building Official Electrical Inspector before any permit for the same shall be issued.

SECTION 14. Section 21-4-450 of the Fort Morgan Municipal Code, concerning Electrical signs, is hereby amended to read as follows:

Sec. 21-4-450. – Electrical signs.

(a) Any person desiring to erect or hang any electric sign in, on or over any building within the City shall secure a permit from the State of Colorado Electrical Board Electrical Inspector and shall furnish the Inspector such information as he or she may desire regarding size and weight of sign, method of supporting and securing, etc. All electric signs must bear the Underwriters' Laboratories label of approval and be grounded to permit system ground. All such signs must be passed and approved by the inspector of the Municipal Light and Power Department for power factor correction of transformers.

(b) Neon signs shall be properly equipped to avoid all unnecessary and reasonably preventable radio interference and shall have the latest corrective devices for correction of lagging power factor.

SECTION 15. Section 21-4-460 of the Fort Morgan Municipal Code, concerning Fees for permits and inspections, is hereby amended to read as follows:

Sec. 21-4-460. – Fees for permits and inspections.

For the issuance of a permit and inspection of wiring and apparatus and for making such inspections as are required by the provisions of this Article, all fees for permits and inspections shall be in accordance with the State of Colorado Electrical Board the Electrical Inspector shall charge such fees as, from time to time, shall be promulgated and established by resolution of the City Council; provided that the City shall, at all times, post a schedule of such fees in a conspicuous public place in or about the City Hall.

SECTION 16. Section 21-4-510 of the Fort Morgan Municipal Code, concerning Required inspection, is hereby amended to read as follows:

Sec. 21-4-510. – Required inspection.

It shall be unlawful for any person to make any electrical connection or supply electric current to any wiring system or portion thereof, hereafter installed in or on any building within the City without first securing written permission or an inspection certificate from the Electrical State of Colorado Electrical Board and/or Inspector.

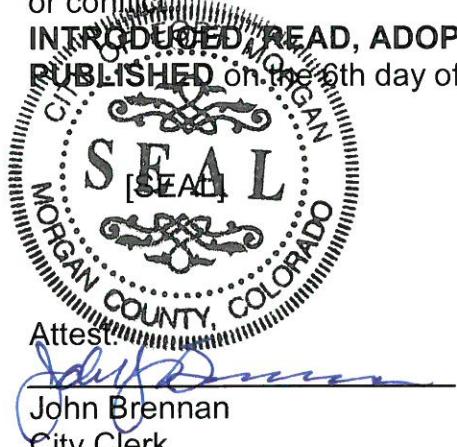
SECTION 17. The City Clerk shall cause at least one certified copy of the Code adopted by reference by this Ordinance to be on file in his office at least fifteen (15) days prior to the public hearing on this Ordinance.

SECTION 18. If any section, provision, paragraph, clause, or phrase of this Ordinance is held, or decided to be unconstitutional, invalid, or enforceable for any reason, such decision shall not affect the constitutionality, validity, or enforceability of the remaining portions of this Ordinance.

SECTION 19. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED

PUBLISHED on the 16th day of June, 2023.

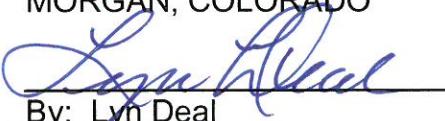


Attest:

John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED this 20th day of June, 2023.

THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO


By: Lyn Deal
Mayor

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO



Attest:

John Brennan
John Brennan

City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)ss.
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1284** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 6th day of June, 2023, said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 20th day of June, 2023. Within five (5) days after its final passage, said **Ordinance No. 1984** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

John Brennan
John Brennan
City Clerk