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City of Conway, Arkansas  
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**AN ORDINANCE AMENDING TITLE 11 OF THE CONWAY MUNICIPAL CODE; UPDATING THE CITY ELECTRICAL CODE BY ADOPTION OF THE 2011 NATIONAL ELECTRICAL CODE AND AMENDING ADMINISTRATIVE PROVISIONS FOR THE ENFORCEMENT OF THE ELECTRICAL CODE, REPEALING ANY ORDINANCES IN CONFLICT THEREWITH.**

**WHEREAS**, the Mayor and City Council desire to amend Title 11 of the Conway Municipal Code to update the City Electrical Code to coincide with the State adopted Electrical Code and to update the administrative provisions of the Electrical Code to allow for the effective enforcement of said code;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CONWAY, ARKANSAS, THAT:**

**SECTION 1.** Title 11 and its Chapter 11.04, Section 11.04.01 shall be amended by deletion of previous language and insertion of the following:

**11.04.01 Electrical Code adopted by reference** That there is hereby adopted by the City of Conway, Arkansas, pursuant to A.C.A. 14-55-207(a), for the purpose of establishing rules and regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees thereto so as to safeguard life, health, and public welfare and the protection of property, that certain Electrical Code known as the National Electrical Code, 2011 edition thereof, as well as subsequent editions as adopted by the State of Arkansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction and installation of all electrical work and electrical systems within the corporate limits of the City of Conway, Arkansas, except as regulated by other ordinances of this code.

**SECTION 2.** Not less than three (3) copies of this code, or the pertinent parts thereof, have been and are now filed in the office of the Clerk/Treasurer of the City of Conway, Arkansas, for inspection and view by the public prior to the passage of this ordinance, and the same are hereby adopted and incorporated, as amended, as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all electrical systems within the corporate limits of the City of Conway, Arkansas, except as regulated by other ordinances of the Conway Municipal Code.

**SECTION 3.** Pursuant to A.C.A. 14-55-207©, the City Clerk of the City of Conway has published a public notice, by publication in a paper of general circulation within the City of Conway, stating that copies of code, or the pertinent parts thereof, are open to public examination prior to passage of this ordinance.

**SECTION 4.** Title 11 and its Chapter 11.04, Section 11.04.02 shall be amended by deletion of previous language and insertion of the following:

**11.04.02 Code Official.** The officer or other designated authority charged with the administration and enforcement of the City Electrical Code, or a duly authorized representative shall be recognized as the Code Official.

**11.04.02.01 Duties and Powers of the Code Official.** The Code Official shall have the duty and is hereby authorized, empowered and directed to:

- A. See that all provisions of this ordinance are fully complied with, and to inspect all the electrical work done within the corporate limits for lighting, power or heating, and shall keep proper and permanent records of such inspections; he shall report the results of inspections to the general or electrical contractor or to the owner or occupant of the building or structure in or on which the electrical work is being done or has been done, and cause to be corrected any deviation from the requirements of this ordinance, or issue approval in writing when said requirements are found to be satisfied.
- B. Inspect all interior wires and wiring and all electrical apparatus conducting or utilizing electrical current for any purpose whatsoever, within the limits of the City of Conway. He/she shall be empowered to make such tests as he may deem necessary to ascertain the condition of such wiring, apparatus or appliances and

he/she shall have the right to remove or compel the removal of any obstructions, such as lath, plastering, ceiling or flooring which may hinder a full and complete inspection of such wires or apparatus. He/she may remove or compel the removal of conductors which are enclosed in conduit or otherwise inaccessible for complete inspection. When said conductors or appliances are not in accordance with the requirements of this ordinance, or found to be unsafe to life or property, he/she shall have the right to condemn such conductors or appliances as hereinafter provided.

- C. Enter any building, manhole, subway or premises in discharging his duties or for the purpose of making any inspection or tests of any electrical apparatus contained therein. He/she shall have the power to make arrests for the violation of any of the provisions of this ordinance, and to compel the suspension of any electrical work being done in a manner prohibited by this ordinance.
- D. Inspect or re-inspect at his option, all interior wiring or apparatus conducting or using electrical current for lights, heat or power, and when the said conductors or apparatus are found to be unsafe to life or property, he/she shall notify the person, firm or corporation owning, using or operating them, to place the same in a safe and secure condition within forty-eight (48) hours; or within such further time as the electrical inspector shall determine is necessary.
- E. Render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purposes of this code.

**11.04.02.02 Unlawful Interference.** It shall be unlawful for any person, firm or corporation to hinder or interfere with the code official in the discharge of his/her duties under this ordinance.

**11.04.02.03 Liability.** The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for an damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings.

The code official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any official, officer or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**SECTION 5.** Title 11 and its Chapter 11.04, Section 11.04.03 shall be amended by deletion of previous language and insertion of the following:

**11.04.03 Permits.** No installation, alteration or removal shall be made in/or of the wiring of any building or structure for light, heat, or power or to increase the load of energy carried by such wires or equipment nor shall any building or structure be wired for electric lights, appliances, motors, apparatus or heating devices nor alterations made thereto without a written permit therefore being first obtained from the city by the person firm or corporation having direct charge of such installation, except for the following work exempt from permits:

- A. Listed cord and plug connected temporary decorative lighting.
- B. Reinstallation of attachment plug receptacles, but not the outlets therefore.
- C. Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.
- D. Temporary wiring for experimental purposes in suitable experimental laboratories.
- E. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- F. Minor repair to or replacement of common receptacles, light switches, lights and/or light fixtures, appliances or equipment when no addition to or replacement of wiring is done.
- G. Work performed by employees of the firm or corporation engaged in providing the generation and distribution of electrical energy for light, heat or power, or the electrically operated transportation when such work is conducted on the electrical systems owned by the utility company.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

**SECTION 6.** Title 11 and its Chapter 11.04, Section 11.04.04 shall be amended by deletion of previous language and insertion of the following:

**11.04.04 Inspection.** Upon the completion of the wiring, installation or alteration of any building or structure for light, heat, power, appliance or apparatus, it shall be the duty of the person, firm or corporation having direct charge of such to notify the code official who shall, as early as possible, inspect such wiring, installation, appliance and apparatus and if installed, altered and constructed in compliance with the permit and in accordance with the requirements of this ordinance, he/she shall provide written approval of satisfactory inspection, which shall contain the date of such inspection and the result of his examination, but no such approval shall be issued unless such electric wiring, motors, heating devices, appliances and apparatus be in strict accord with the rules and requirements and the spirit of this ordinance, nor shall current be turned on such installation, equipment, appliance, motors, heating devices and apparatus until said approval is issued.

**11.04.04.01 Required Inspections.** The following inspections shall be required:

- A. Underground.** Underground inspection shall be made after trenches or ditches are excavated and bedded, piping and conductors installed, and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the raceway, cable or conductors, or where corrosive action will occur, protection shall be provided in the form of granular or selected material, approved running boards, sleeves or other means.
- B. Rough-in.** Rough-in inspection shall be made after roof, framing, fireblocking and bracing are in place and wiring and other components to be concealed are complete, and prior to installation of wall or ceiling membranes. No job shall be considered as completely roughed-in until all joints have been soldered, rubber and friction taped, or approved connectors used, pigtailed provided for the hanging of fixtures and overcurrent devices installed in the electrical panels.
- C. Final.** The final inspection shall be made after all work required by the permit is completed. It is the responsibility of the electrical contractor to arrange for the structure or structures to be open in order that the inspection can be made. Occupied structures or structures containing personal property will not be entered by the inspector unless accompanied by the owner or owner's representative.

**SECTION 7.** Title 11 and its Chapter 11.04, Sections 11.04.05, 11.04.15, 11.04.16, 11.04.17, 11.04.19, 11.04.20, 11.04.21, 11.04.22, 11.04.23, 11.04.24 and 11.04.28 shall be amended by deletion of previous language in its entirety.

**SECTION 8.** Title 11 and its Chapter 11.04, Section 11.04.06 shall be amended by deletion of previous language and insertion of the following:

**11.04.06 Bond required.** Every person, firm or corporation doing business in the City of Conway as a licensed electrical contractor shall file with the City of Conway a bond in the penal sum of Five Hundred Dollars (\$500.00) with a recognized corporate surety, authorized to do business in the State of Arkansas; provided, however, that in lieu thereof any person,, firm or corporation may deposit with the City of Conway the sum of Five Hundred Dollars (\$500.00) in U.S. currency, together with his personal bond therefore conditioned as hereinafter set forth.

The bond and surety shall be approved by the City Attorney of Conway, said bond being conditioned, however, that the principal will hold harmless the City of Conway, Arkansas, or any resident of said City against loss or damage by reason of faulty or improper electrical work done or suffered by said principal, and conditioned further that the principal shall strictly comply with the ordinances of the City of Conway governing such work; that the principal will do or suffer no work to be done without a permit, and will report work done for inspection by the city electrical inspector in conformity with the laws and ordinances of the City of Conway.

**SECTION 9.** Title 11 and its Chapter 11.04, Section 11.04.08 shall be amended by deletion of previous language and insertion of the following:

**11.04.08 Penalty.** Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for each offense, and each day such violation shall continue shall constitute a separate offense. (Ord. No. A-334, Sec. 19)

**SECTION 10.** Title 11 and its Chapter 11.04, Section 11.04.09 shall be amended by deletion of previous language and insertion of the following:

**11.04.09 Licensing of Electricians.** Persons, firm and/or corporations performing electrical work in the City of Conway shall be licensed to perform such work in accordance with the State of Arkansas Electrical Licensing Laws except,

- A) Any individual desiring to perform his own electrical work personally shall not be required to make the required bond or to obtain the required license, but shall be required to obtain the regular permit if said work is to be done on

a single family residence to be occupied by the individual seeking the permit, and said single family residence is to be used as his own permanent home, and not for the public, generally, or for any single family residence built for resale. Provided, that such individual shall satisfactorily complete a written examination prepared by the City Electrical Inspector which shall test the individual on basic electrical knowledge and demonstrate to the City Inspector that the individual has the minimal experience and knowledge necessary to safely perform his own electrical work. (Ord. No. O-01-61, Sec. 1)

B) Employees of the firm or corporation engaged in providing the generation and distribution of electrical energy for light, heat or power, or the electrically operated transportation when such work is conducted on the electrical systems owned by the utility company.

**11.04.09.01 Electrical Licensing Requirements.** A copy of the State Electrical License for each state licensed master electrician shall be provided to the City to be kept on file. Such licensing information shall indicate the name of the electrical company the master electrician represents. No licensed master electrician can represent more than one (1) firm at a time.

**SECTION 11.** Title 11 and its Chapter 11.04, Section 11.04.25 shall be amended by deletion of previous language and insertion of the following:

**11.04.25 Local Amendments to the Electrical Code hereby adopted.** The Electrical Code hereby adopted is amended by adding the following language:

- A. All electrical work of any kind and all systems shall satisfactorily fulfill the purpose for which it is installed and all work shall be executed in a good and workmanlike manner. Slipshod work or work not in keeping with good electrical practice shall be classified as defective and shall be immediately corrected by persons causing the same.
- B. Residences and apartments shall be done with wire not smaller than No. 14 gauge wire, allowing ten (10) outlets per 15 amp circuit and twelve (12) outlets per 20 amp circuits. Provided, however, in residences and apartments, laundry rooms shall have not more than two (2) outlets per circuit, and kitchen above counters shall have not more than (4) four duplex receptacles per circuit installed with wire not smaller than No. 12 gauge. (O-07-161)
- C. Non metallic sheathed cable is not permitted except in single family dwellings, two-family dwellings, townhouses and multifamily apartment uses.
- D. Aluminum wire is prohibited other than feeders and service with no smaller than No. 4 gauge. (O-07-161)
- E. Residential Master Electricians, as defined by the Arkansas Board of Electrical Examiners shall be limited to pulling electrical permits for residential dwelling units with up to four attached units and their accessory structures.

**SECTION 12.** Title 11 and its Chapter 11.04, Section 11.04.26 shall be amended by deletion of previous language, except for Section 1104.26E.

**SECTION 13.** All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

**SECTION 14.** This ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

**PASSED** this 24<sup>th</sup> day of January, 2012.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett  
City Clerk/Treasurer