

May 19, 2023

MEMO TO: J. Carter Napier, City Manager *JCN*
FROM: Liz Becher, Community Development Director *LB*
Justin Scott, Building Inspector II
SUBJECT: Adoption of 2023 NFPA 70, National Electrical Code (NEC)

Meeting Type & Date:
Regular Council Meeting, June 6, 2023

Action Type:
Public Hearing and First reading of Ordinance adopting the 2023 NFPA 70, National Electrical Code

Recommendation:
That Council, by ordinance, approve an Amendment of Chapter 15.28 of the Casper Municipal Code to adopt the 2023 NFPA 70, National Electrical Code (NEC).

Summary:
As required by State law, the City of Casper must adopt the same building codes as the State within the same calendar year. All the various sections of the City's adopted Building Codes are on a three (3) year update cycle, with the National Electrical Code (NEC) being a year ahead of all other building code revisions. This year, the 2023 NFPA 70, National Electrical Code (NEC) is up for adoption, replacing the 2020 NFPA 70, National Electrical Code (NEC). The State will adopt the 2023 NFPA 70, National Electric Code (NEC), effective July 1st, 2023.

The Contractor's Licensing Board was presented with the significant changes that would impact construction during the March 2023 meeting.

Financial Considerations:
Not applicable.

Oversight/Project Responsibility:
The City of Casper Building Division/Community Development Department is responsible for updating and enforcing all City of Casper building codes.

Attachments:

- Ordinance amending sections 15.28.010, 15.28.040, 15.28.170, 15.28.370, and 15.28.440
- Significant changes to the 2023 NEC
- Contractor's Licensing Board's March 2023 meeting minutes
- Wyo. Stat. § 35-9-106
- Wyo. Stat. § 35-9-121

April 28, 2023



Significant 2023 National Electrical Code Changes

1. Ground fault circuit interrupter (GFCI) protection will now be required for all 125 V through 250 V receptacles in dwelling unit kitchens. 210.8 (A) (6)
2. Buffet serving locations are required to be GFCI protected. 210.8 (B) (4)
3. Commercial appliances within 6 ft of a sink will require GFCI protection. 210.8 (B) (7)
4. Dwelling unit specific appliances will now require GFCI protection. Such items include, but are not limited to microwaves, wall mounted ovens, and electric ranges. 210.8 (D)
Island and peninsular countertops and worksurfaces are now optional. Provisions must be made for the future installment of receptacles. If they are installed they must be installed in the work surface and not on the side of the cabinets. 210.52 (C)
5. Surge protective devices will now be required on hotels and motels, dormitory units, and areas of nursing homes and limited care facilities used exclusively as patient sleeping rooms. 230.67 (A)

There are many changes that happen every code cycle and these are just a few that will add some cost to construction on homes, motels, and some commercial installations. The main costs are in the breakers required for many of these installs. On average it will cost \$500 to \$1000 more for typical new residential construction. Surge protection has doubled and will certainly add cost to new motels and hotels. It's hard to put an actual number on this since there are many factors involved in these types of buildings such as numbers and types of rooms. Another issue we are seeing is the availability of electrical equipment such as multi meter packs, panels, different types of wire, and breakers. The inability to obtain equipment is leading to longer lead times and the increased cost of materials.

A handwritten signature in black ink, appearing to read "Justin Scott".

Justin Scott
Building Inspector II
Building Inspection Division
City of Casper, WY



Contractors Licensing and Appeals Board Meeting Minutes from: April 20, 2023

MEMBERS PRESENT:

Scott Warren
Steven Walkin
Jak Hollinger
Travis Briggs
Sean Lijewski
Ian Alvastad

MEMBERS ABSENT:

Jeremiah Holtus

CITY COUNCIL:

Lisa Engebretsen

CITY STAFF PRESENT:

Justin Scott
Shawn Barrett
Deeann Miller

CALL MEETING TO ORDER:

Scott Warren called the meeting to order at 4:01 PM.

MONTHLY REPORT UPDATE:

Justin Scott presented the March Building report. (Attached)

Below is a breakdown of the 12 major commercial projects that are in progress:

Note: All projects are not included in this list; smaller projects including remodeling, alterations and additions may not be listed.

- LDS Temple (3011 Independence Dr.) Interior connections and finish are in process. Stone veneer is being installed and the steeple structure is being framed.
- Liberty Square Apartment Complex, 60 units (1100 S. Beverly St), Bld. A is complete and waiting on the electrical service gear to energize the building. Building B Towers 1-3, and the Community Center, interior finishes are in process. The anticipated completion for this project is the end of April/May of 2023 for Building A and the Community Center and the

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COMMUNITY DEVELOPMENT DEPARTMENT

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middle to end of June of 2023 for Building B. The availability of the electrical service equipment is the reason that this project is being held up.

- Wal-Mart East Interior Remodel (4400 E. 2nd St.) Fire pump and sprinkler piping in process.
- Casport Mint, (170 Star Lane) Interior structural steel and framing in process, M.E.P. rough-ins are in process for Phase 1, mezzanine office areas are in trim phases, this project has been divided into 7 phases. The 2nd machine is installed and operational. Phase II is to begin shortly.
- La Cocina Restaurant (4110 Centennial Hills) Framing is complete and M/E/P's are in process.
- Alma Business Bld. (260 W. 1st St, Old Bakery) Final finishes are in process.
- Nolan Phase II (225 S. David St. Condominiums) Framing is nearly complete and the M/E/P's are in process.
- Jump Craze (SE Wyoming Blvd near E 21st St) Site work is in process.
- Harbor Freight Expansion (Sunrise Mall) Final finishes are in process.
- Discount Tire (4990 E. 2nd St near the Residence Inn) Site work is in process.
- Johnstone Supply (3100 E. Yellowstone) Sprinkler system is being installed and the final finishes are nearing completion.
- 307 Chiropractic (5980 Enterprise Dr near Menards) Site work is in process.

Projects Completed:

No new projects were completed this month.

Demolition Projects:

YMCA – Old YMCA is in the process of being demolished. The site will be paved for additional parking and the East existing gym is to remain.

NEW BUSINESS:

Shawn Barrett presented the significant changes to the 2023 NEC which will be presented to City Council for adoption after July 1, 2023. (Attached)

LICENSE APPLICATIONS:

General Contractors:

Jan Holtfreter – Class I General Contractor – *Approved to test*

Allen Jennings – Class I General Contractor – *Approved to test*

Jason Morrison – Class II General Contractor – *Approved to test*

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Mechanical Applications:

Terry Mask – Master Mechanical – *Approved to test*

Scott Alder – Journeyman Mechanical – *Approved to test*

Plumbing Applications:

Manuel Flores – Master Plumber – *ICC testing submitted, license approved, no test Needed*

Nathan Boyle – Master Plumber– *Approved to test*

COMPLAINTS:

There were no complaints that were presented to the Board for review.

UNSAFE STRUCTURES ORDINANCE:

There were no unsafe structure complaints that were presented to the Board for review.

COMMENTS:

Lisa Engebretsen asked that an update be provided on the status of the creation of handyman license at the next meeting.

ADJOURN:

The meeting was adjourned at 4:26 PM.

Respectfully Submitted,

Justin Scott, Secretary

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35-9-106. Powers and duties of council.

(a) The council shall adopt rules and regulations to:

(i) Establish minimum fire standards not exceeding the standards prescribed by the International Fire Code, the International Building Code, the International Mechanical Code, the International Existing Building Code and the International Fuel Gas Code for:

(A) All new building construction or remodeling under W.S. 35-9-108(a);

(B) The prevention of fire and the protection of life and property from fire and panic in all existing buildings;

(C) The safeguarding of life and property from hazards of fire and explosion arising from storage, handling and use of hazardous substances, materials and devices.

(ii) Repealed By Laws 2003, Ch. 49, § 3.

(iii) Repealed By Laws 2010, Ch. 84, § 3.

(iv) Implement this section.

(b) The council shall have access to records of the divisions and may require written or oral information from any officer or employee of the department when conducting investigations pursuant to W.S. 35-9-108(p) and 35-9-117.

(c) Except as provided under W.S. 35-9-121 (d), 35-9-121.1(d)(ii) and 35-9-124 (a)(ii), the council shall hear appeals to determine the suitability of alternate materials and type of construction and to interpret and grant variances from rules and regulations of the council.

(d) The standards for liquefied petroleum gas installations shall be the current edition of NFPA 58 Liquefied Petroleum Gas Code and ANSI Z223.1/NFPA 54 National Fuel Gas Code. To the extent the standards for liquefied petroleum gas conflict with the standards prescribed by the International Fuel Gas Code, the NFPA 58 Liquefied Petroleum Gas Code and ANSI Z223.1/NFPA 54 National Fuel Gas Code control.

(e) Repealed By Laws 2010, Ch. 84, § 3.

35-9-121. Local enforcement.

(a) The state fire marshal shall delegate complete authority to municipalities and counties which apply to enforce and interpret local or state fire, building, existing building standards or electrical safety standards which meet the requirements of this section. The state fire marshal shall notify the governing body of the municipality or county of the minimum standards and requirements of this act and W.S. 16-6-501 and 16-6-502 and transfer jurisdiction and authority by letter. Except as provided in W.S. 35-9-119(a)(i) and subsection (b) of this section, nothing in this section affects the authority of the state fire marshal or chief electrical inspector regarding state owned or leased buildings. Local enforcement authority under this subsection shall be subject to the following requirements and certification of inspectors:

(i) Before a municipality or county without local enforcement authority is initially granted local enforcement authority for fire, building, existing building standards or electrical standards the state fire marshal shall determine that the local governing body has adopted minimum standards by ordinance or resolution that are equivalent to or more stringent than those applicable standards adopted by the department;

(ii) If a municipality or county that has been granted local enforcement authority under this subsection fails to adopt, within six (6) months following the adoption of new standards by the department, or maintain standards by ordinance or resolution that at least meet the statewide standards, enforcement authority shall immediately revert to the department. It shall be the responsibility of the municipality or county to notify the department of the repeal of minimum standards in their jurisdiction;

(iii) If code enforcement authority for fire and building codes is requested, certification of a fire inspector or building inspector by the International Code Council or the International Conference of Building Officials is required for any inspector employed or contracted after July 1, 2010 to enforce those codes for the municipality or county;

(iv) If code enforcement authority for the electrical code is requested, certification of an electrical inspector by the International Code Council or the International Association of Electrical Inspectors and licensing by the state as a journeyman or master electrician is required;

(v) If a municipality or county that has been granted local enforcement authority under this subsection fails to maintain employment of an inspector holding any certification required by this subsection, enforcement authority shall revert to the department one hundred twenty (120) days after the last day the properly certified inspector has left the employment of the municipality or county. It shall be the responsibility of the municipality or county to notify the department upon the termination of employment of any certified inspector required by this subsection.

(b) Notwithstanding the provisions of subsection (a) of this section a local governmental entity is authorized to assume sole plan review authority, and, in accordance with W.S. 35-9-107(a)(iv), that entity has sole construction inspection authority on the approved plans and sole authority for periodic fire and life safety inspections on state owned or leased buildings. For the

purpose of this section, school buildings shall be construed to be state buildings. If local code provisions are more stringent than adopted state codes, the local code prevails. The authority granted to local governmental entities under this subsection is subject to certification of local inspectors as follows:

(i) If sole plan review authority is requested, certification of a plan reviewer by the international conference of building officials or the International Code Council;

(ii) If code enforcement authority for fire and building codes is requested, certification of a fire inspector or building inspector by the International Code Council or the International Conference of Building Officials;

(iii) If code enforcement authority for the electrical code is requested, certification of an electrical inspector by the International Code Council or the International Association of Electrical Inspectors and licensing by the state as a master electrician.

(c) If a municipality or county has assumed enforcement authority for only one (1) or two (2) of the fire, building and electrical standards, the municipality or county shall deliver notice of any project plans submitted to the municipality or county for approval to the department. The notice of the project shall be delivered within ten (10) days of receiving plans from the applicant.

(d) A municipality or county which has enforcement authority under this section shall create its own appeals boards to determine the suitability of alternate materials and types of construction and to interpret and grant variances from adopted codes or standards. The boards shall be appointed and removed by the governing body of the municipality or county, but the person making the decision upon which the appeal is based shall not be a member of the appeal board.

(e) A decision rendered by the local municipal or county appeals board pursuant to subsection (d) of this section may be appealed to the council on fire prevention and electrical safety in buildings for a final decision. A decision of the council may be appealed to the appropriate district court.

(f) Any appeal to a local board under subsection (d) of this section or the council under subsection (e) of this section shall be heard within thirty (30) days of the request for appeal.

(g) Nothing in this section prohibits the state fire marshal from assisting, upon request, a municipality, county or other local governmental entity in exercising authority granted to that entity under this section.

ORDINANCE NO. 10-23

AN ORDINANCE AMENDING SECTIONS 15.28.010, 15.28.040, 15.28.170, 15.28.300, 15.28.370 AND 15.28.440 OF THE CASPER MUNICIPAL CODE, AND ADOPTING THE 2023 NFPA 70, NATIONAL ELECTRICAL CODE (NEC).

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

SECTION 1:

All references to the NFPA 70 - 2020 Edition of the National Electrical Code contained in Sections 15.28.010, 15.28.040, 15.28.170, 15.28.300, 15.28.370 and 15.28.440 of the Casper Municipal Code are hereby amended to read “~~2020~~ 2023 Edition.”

SECTION 2:

If any section, subsection, sentence, clause, or phrase of this Ordinance, for any reason, is held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3:

This Ordinance shall be in full force and effect from and after passage on three readings, and publication, pursuant to law.

PASSED on 1st reading the _____ day of _____, 2023.

PASSED on 2nd reading the _____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED on 3rd and final reading the ____ day of _____, 2023.

APPROVED AS TO FORM:



ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

Fleur Tremel
City Clerk

Bruce Knell
Mayor

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