Flabc

Memorandum

To: Hiawatha City Council

CC: Kim Downs, City Administrator

John Bender, City Engineer

From: Patrick Parsley, Community Development Director

Date: 3/27/2019

Re: Amend the Hiawatha Electrical Code to comply with State of Iowa 103

Background:
We have recently been informed by the State Electrical Inspector the City of Hiawatha is out of compliance with State mandates for the adoption of an acceptable electrical code. (letter attached). The issue is related to the allowance of a sump pump receptacle in residential construction without the installation of ground fault protection. The model code adopted by the State of Iowa requires any receptacle next to a source of water to be GFCI protected.

The City of Hiawatha and neighboring jurisdictions allowed the unprotected receptacle for sump connections because of the flooding issues which could be more dangerous and damaging. A tripped GFCI would turn off sump pumps without notice to the owner and allow significant damage before being discovered.

> ***157.08 RECEPTACLES.*** *The Hiawatha Electrical Code is hereby amended by adding an additional exception to Section 210.8 (A) (5) of the National Electrical Code, which shall read as follows:*
>
> > ***Exception*** *No. 2 to (5): The sump pump receptacle shall not be required to be GFCI protected. A single receptacle supplying a permanently installed sump pump, providing that the sump pump receptacle is permanently and clearly labeled "for sump pump use only" and providing there is at least one GFI protected duplex receptacle available for use within the room or area in which the sump pump receptacle is located.*

The State believes the danger from electrocution is more life threatening than potential water damage from a non-operational sump pump. They claim the technology has advanced in the manufacturing of GFCI ,s. In additional "alarm" GFCI units have been made available on the market if notice is critical.

Our neighboring cities have changed their codes as required by the State or are in the process of doing so. The change has been supported by the electrical contractors in the area.

Recommendation:
Staff and counsel recommend deleting this exception in our electrical code to align with the State mandate. It will cost $20 to $50 more for the electrical installation and it could include an alarm. Removing the exception will provide an extra level of safety that is recommended by the national model code and by the State of Iowa. This code change would remove Hiawatha Code Section 157.08 in its entirety.

Pat,

Thank you for your time on the phone today to discuss the States concerns on how the City amended the National Electrical Code (NEC) by amending out GFCI protection on sump pumps.

When the Electrical Examining Board Adopts the NEC it establishes the minimum wiring standards for the entire State. Political Subdivisions can be more restrictive but cannot be less restrictive. After reviewing the cities adopted amendments and discussing them with legal counsel, it has been determined your amendment on exempting GFCI protection for sump pumps is less restrictive.

The technology that goes into the GFCIs on the market today is very reliable. If the GFCI is tripping, there is a reason it is tripping. Most likely the pump is starting to go bad and needs to be replaced. If there are concerns about the GFCI tripping and owner not knowing that it is tripped, auditable GFCIs can be installed. These GFCIs will beep when the GFCI trips to alert the owner.

Below is some wording out of Iowa Code 103 and the Administrative Rules supporting our concerns. To make the electrical code adoption process easier for cities, a city can just make a reference to the State Adopted Electrical Code in their ordinance. This way every 3-years when the State adopts newest version of the NEC, cities do not have to go back and change their ordinances.

Iowa Code 103.6 POWERS AND DUTIES.

1. The board shall:

a. Adopt rules pursuant to chapter 17A and in doing so shall be governed by the minimum standards set forth in the most current publication of the national electrical code issued and adopted by the national fire protection association, and amendments to the code, which code and amendments shall be filed in the offices of the state law library and the board and shall be a public record. The board shall adopt rules reflecting updates to the code and amendments to the code. The board shall promulgate and adopt rules establishing wiring standards that protect public safety and health and property and that apply to all electrical wiring which is installed subject to this chapter.

ADMINISTRATIVE RULE - CHAPTER 504
STANDARDS FOR ELECTRICAL WORK

661—504.1(103) Installation requirements. The provisions of the National Electrical Code, 2017 edition, published by the National Fire Protection Association, I Batierymarch Park, Quincy, MA 02169-7471, are adopted as the requirements for electrical installations performed by persons licensed pursuant to 661—Chapters 500 through 503 and to installations subject to inspection pursuant to Iowa Code chapter 103 with the following amendments:

504.1(1) Delete section 210.12(D).

504.1(2) Delete section 406.4(D)(4).

This rule is intended to implement Iowa Code chapter 103,

If you have additional questions please let me know.
Thank you,

Brian Young
Chief Electrical Inspector/Executive Secretary
Iowa Department of Public Safety
State Fire Marshal Division
Electrical Bureau
215 East 7th Street
Des Moines, Iowa 50319-0047
(515) 725-6179
Email: byoung@dps.state.ia.us

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 2018, BY AMENDING CHAPTER 157 ELECTRICAL CODE §157.08 RECEPTACLES BY DELETING IN ITS ENTIRETY TO ALIGN WITH THE STATE MANDATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 157 of the Code of Ordinances of the City of Hiawatha, Iowa, 2018, is hereby amended and adopted by adding the following:

CHAPTER 157

157.01 ICC Electrical Code and National Electrical Code Adopted
157.02 Amendments to the Electrical Code
157.03 Permits and Fees Required
157.04 Penalties
157.05 Electrical Board of Appeals
157.06 Nonmetallic-Sheathed Cable
157.07 Smoke Detectors and Carbon Monoxide Detectors
~~**157.08 Receptacles**~~
157.09 Remote Water Meter Reader Conduit

~~**157.08 RECEPTACLES.** The Hiawatha Electrical Code is hereby amended by adding an additional exception to Section 210.8 (A) (5) of the National Electrical Code, which shall read as follows:~~

~~**Exception** No. 2 to (5): The sump pump receptacle shall not be required to be GFCI protected. A single receptacle supplying a permanently installed sump pump, providing that the sump pump receptacle is permanently and clearly labeled "for sump pump use only" and providing there is at least one GFI protected duplex receptacle available for use within the room or area in which the sump pump receptacle is located.~~

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 17th day of April, 2019.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kari Graber, City Clerk

I, Kari Graber, Deputy City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 17th day of April, 2019, and was published as Ordinance No. ____ on the _____ day of April, 2019.

_____
Kari Graber, City Clerk