



**TOWN OF MILLIKEN
TOWN BOARD
AGENDA MEMORANDUM**

To: Mayor Tokunaga and Town Trustees	Meeting Date:
From: Jonathan Gesick, Building Official	Wednesday, May 27 th , 2015
Via: Kent Brown, Town Administrator	

Agenda Item #	Action: X	Discussion:	Information:
Agenda Title: Vote to Adopt by Ordinance the NFPA 70 National Electrical Code, 2014 Edition			
Attachments: Ordinance 712, Changes to Chapter 18, Article III			

PURPOSE

To adopt the current version of the National Electrical Code as mandated by the State of Colorado. The effective date will be July 1st, 2015.

BACKGROUND

The State of Colorado and the State Electrical Board have adopted the NFPA 70 National Electrical Code, 2014 Edition as the standard for all electrical installations in the State. By following suit the Town of Milliken will be in line with all other jurisdictions in the area and meet the criteria set in C.R.S. 12.23.104(2)(k).

C.R.S. 12.23.104(2)(k) Find, upon holding a hearing, that an incorporated town or city, county, city and county, or qualified state institution of higher education fails to meet the minimum requirements of this article if the local inspection authority, including a qualified state institution of higher education, has failed to adopt or adhere to the minimum standards required by this article within twelve months after the board has adopted the standards by rule pursuant to this subsection

BUDGET IMPLICATONS

None.

STAFF RECOMMENDATION

Staff recommends that we abide by the C.R.S 12.23.104(2)(k) and adopt the 2014 National Electrical Code by reference.

SUGGESTED MOTION

“I move to adopt Ordinance 712, adopting the NFPA 70 National Electrical Code, 2014 Edition.”

ORDINANCE NO. 712

AN ORDINANCE AMENDING CHAPTER 18 OF THE MILLIKEN MUNICIPAL CODE AND ADOPTING BY REFERENCE THE NFPA 70 NATIONAL ELECTRICAL CODE, 2014 ADDITION. PROMULGATED BY THE NATIONAL FIRE PROTECTION ASSOCIATION.

WHEREAS, the Town Board finds that updates to the Milliken Municipal Code are necessary and required in the interest of the health, safety and welfare of the people; and

WHEREAS, Milliken's current Electrical Codes are out of date; and

WHEREAS, pursuant to Section 1-1-40 of the Milliken Municipal Code, the Town Board is authorized to adopt other codes by reference as allowed under state law; and

WHEREAS, the Milliken Town Board wishes to update its Municipal Code and adopt by reference the NFPA 70 National Electrical Code, 2014 Edition Promulgated by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02169-7471, with specified amendments to each.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO THAT:

Section 1. Chapter 18, Article III, Section 18-3-10 of the Milliken Municipal Code is hereby revised to read as follows:

Sec. 18-3-10 Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the electrical code of the Town, by reference thereto, the NFPA 70 National Electrical Code, 2014 edition, Chapters 1 through 9 inclusive, published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02169-7471. The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. The subject matter of the adopted code includes comprehensive rules and regulations governing materials, methods of installation, inspection and other matters pertaining to the practical safeguarding of persons and property from hazards arising from the use of electricity.

Section 2. Chapter 18, Article III, Section 18-3-30 of the Milliken Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Section 18-2-30. Amendments.

The NFPA 70 National Electrical Code, 2014 edition, adopted herein is hereby modified by the following amendments: None.

Section 3. That Ordinance No. 490, 2004; and Ordinance No. 640 §1, 2010 of the Town of Milliken and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Electrical Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect July 1st, 2015 from and after the date of its final passage and adoption.

Section 7. That as provided in Milliken Municipal Code Section 2-2-100, requirements for adoption of this Ordinance shall be deemed satisfied if the title of the proposed ordinance is read and the entire text of the proposed ordinance or of any code which is to be adopted by reference is submitted in writing to the Board of Trustees before adoption.

PASSED AND ADOPTED, SIGNED AND APPROVED, following public hearing this _____ day of _____, 2015.

ATTESTED:

TOWN OF MILLIKEN, COLORADO

Cheryl Powell, Town Clerk

Mayor Tokunaga, Mayor

APPROVED AS TO FORM:

Town Attorney

ARTICLE III

Electrical Code

Sec. 18-3-10. Adoption.

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is adopted as the electrical code of the Town, by reference thereto, the **NFPA 70 National Electrical Code, 2008 2014** edition, Chapters 1 through 9 inclusive, published by the **National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02169-7471. ~~International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401.~~** The purpose of the adopted code is to protect the health, safety and lives of the residents of the Town. The subject matter of the adopted code includes comprehensive rules and regulations governing materials, methods of installation, inspection and other matters pertaining to the practical safeguarding of persons and property from hazards arising from the use of electricity. (Ord. 481 §1, 2003; Ord. 640 §1, 2010)

Sec. 18-3-20. Copy on file.

At least one (1) copy of the National Electrical Code, certified to be a true copy, has been and is now on file in the office of the Town Clerk and may be inspected by any interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price. (Ord. 481 §1, 2003)

Sec. 18-3-30. Amendments.

The code adopted herein is hereby modified by the following amendments: none. (Ord. 481 §1, 2003)

Sec. 18-3-40. Violation, penalty.

It is unlawful for any person to violate any of the provisions stated or adopted in this Article. Every person convicted of a violation of any provision stated or adopted in this Article shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. 481 §1, 2003)