



# COUNCIL COMMUNICATION

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**TO:** Mayor and Council  
**FROM:** Karen Montanez  
**DEPARTMENT:** Community Development  
**DATE:** September 11, 2023  
**SUBJECT:** CB-39 Ordinance to Adopt 2023 National Electric Code

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**DESCRIPTION:**

Ordinance to adopt the 2023 National Electric Code

**RECOMMENDATION:**

Staff recommends approval of the attached ordinance adopting the 2023 National Electric Code (NEC).

**PREVIOUS COUNCIL ACTION:**

The 2020 National Electric Code was adopted by city council on October 19, 2020.

**SUMMARY:**

On August 1, 2023, the 2023 edition of the National Fire Protection Association (NFPA) 70 National Electrical Code (NEC) was adopted by the State of Colorado. The 2023 NEC became the minimum standard for electrical permits issued on or after August 1, 2023.

The City and County of Denver began enforcing the 2023 NEC on August 1, 2023.

**ANALYSIS:**

The State of Colorado Electrical Board recently adopted the 2023 National Electrical Code (NEC). Pursuant to section 12-115-107 (2)(a), Colorado Revised Statute, municipalities must adhere to the minimum standard of the adopted code. The adoption of the attached ordinance will ensure that the City of Englewood meets the requirements of the Colorado Revised Statute.

**COUNCIL ACTION REQUESTED:**

Following council consideration and pending approval of the attached ordinance on first reading, second reading will be scheduled for September 5, 2023 for formal adoption.

**FINANCIAL IMPLICATIONS:**

The cost associated with the adoption of the 2023 national electrical code will be \$300 for code books, which is included in the 2023 Community Development budget.

**CONNECTION TO STRATEGIC PLAN:**

Safety - Building and Place Safety

Ensure the safety of public and private buildings and spaces by adopting the most recent National Electric Code.

**ATTACHMENTS:**

CB #39 - Amending EMC 8-2D-1 re: National Electric Code

ORDINANCE  
NO.  
SERIES OF 2023

COUNCIL BILL NO. 39  
INTRODUCED BY  
NUNNENKAMP

**AN ORDINANCE CONCERNING THE AMENDMENT OF TITLE 8, CHAPTER 2 ARTICLE D OF THE ENGLEWOOD MUNICIPAL CODE, IN CONNECTION WITH THE ADOPTION OF THE 2023 NATIONAL ELECTRIC CODE WITHIN THE CITY OF ENGLEWOOD, ARAPAHOE COUNTY, COLORADO.**

**WHEREAS**, the City of Englewood has adopted Uniform Safety Codes, and subsequent updates as promulgated by the publisher, as the model construction codes for the City since 1971; and

**WHEREAS**, on August 1, 2023, the 2023 edition of NFPA 70 National Electric Code (NEC) will be adopted by the State of Colorado; and

**WHEREAS**, the Chief Building Official and Fire Marshall for the City of Englewood have thoroughly reviewed the 2023 National Electric Code as adopted by the State of Colorado and recommend adoption thereof.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:**

**Section 1.** Title 8, Chapter 2, Article D shall be amended as follows (new provisions underlined; deleted provisions crossed-through):

**CHAPTER 2**

**CONSTRUCTION AND SAFETY CODES**

**ARTICLE D – ELECTRICAL CODE**

**8-2D-1: Code Adopted.**

There is hereby adopted by reference the NFPA70 - Electrical Code, ~~2020~~ 2023 Edition, including errata updates, published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471, available for inspection at the City Clerk’s Office during regular business hours. Any modifications to or newer versions of the National Electrical Code (NFPA-70) that are adopted by the Colorado State Electrical Board pursuant to its authority under C.R.S. § 12-115-107 shall be automatically incorporated herein and deemed to modify this code. The 2023 National

Electrical Code shall be known as the "N.E.C." or the "electrical code" and may be cited and referred to as such.

**Section 2.** The following general provisions and findings are applicable to the interpretation and application of this Ordinance:

**A. Severability.** If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

**B. Inconsistent Ordinances.** 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.

**C. Safety Clauses.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum pursuant to City of Englewood Charter 47.

**D. Publication.** Publication of this Ordinance may be in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method.

**E. Actions Authorized to Effectuate this Ordinance.** The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance, including correction of any typographical errors discovered during codification.

**F. Enforcement.** To the extent this ordinance establishes a required or prohibited action punishable by law, unless otherwise specifically provided in Englewood Municipal Code or applicable law, violations shall be subject to the General Penalty provisions contained within EMC § 1-4-1.

Introduced and passed on first reading on the 21st day of August, 2023; and on second reading, in identical form to the first reading, on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Othoniel Sierra, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Carlile, City Clerk

I, Stephanie Carlile, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of an Ordinance, introduced and passed in identical form on first and second reading on the dates indicated above; and published two days after each passage on the City's official website for at least thirty (30) days thereafter. The Ordinance shall become effective thirty (30) days after first publication on the City's official website.

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Stephanie Carlile