

ORDINANCE NO. 2624

AN ORDINANCE AMENDING CHAPTER 15.20 OF THE DERBY MUNICIPAL CODE, INCORPORATING BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2023 EDITION, WITH CERTAIN AMENDMENTS AND DELETIONS THERETO, ALL PERTAINING TO THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ALL ELECTRIC WIRING, APPLIANCES, OR DEVICES FOR LIGHT, HEAT OR POWER IN THE CITY OF DERBY; AMENDING AND REPEALING SECTIONS 15.20.010 AND 15.20.020 OF THE DERBY MUNICIPAL CODE AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. Section 15.20.010 of the Derby Municipal Code is hereby amended to read as follows:

“15.20.010 –National Electrical Code.

(a) **Adoption.** There is hereby incorporated by reference for the purpose of providing minimum regulations for the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and use or maintenance of all electric wiring, appliances, or devices for light, heat or power in the City of Derby, Kansas, the National Electrical Code, 2023 Edition, excluding its several appendices, a uniform code prepared and published by the International Code Council, Inc., save and except such articles, sections, parts or portions as are hereinafter omitted, deleted, modified or changed. Any errata officially published by the International Code Council, Inc. shall become part of the “National Electrical Code” when placed on file by the Development Director of the City of Derby, Kansas. One official copy of said National Electrical Code shall be marked or stamped “Official Copy as Incorporated by Reference by Ordinance No. 2624,” with all sections or portions thereof intended to be deleted, changed, or amended clearly marked to show any such deletion, change, or amendment, and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. All administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such National Electrical Code similarly marked, deleted, and changed as may be expedient.”

Section 2.Section 15.20.020 of the Derby Municipal Code is hereby amended to read as follows:

“15.20.020 - Amendments to the 2023 National Electrical Code.

The 2023 National Electrical Code as adopted by reference in Section 15.20.010 shall be amended as follows:

A. The 2023 National Electrical Code is hereby amended by addition of the following Section 110.2.1: 110.2.1 Violation(s).

(a) Any person or entity who violates a provision of this chapter or code, fails to comply with any of the requirements thereof; or erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or a directive of the building official or of a permit or certificate issued under the provisions of this code shall be subject to the violation and penalty provisions found in Section 15.04.130 of the Derby Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate violation.

(b) In addition to the violation and penalty provisions found in Section 15.04.130 of the Derby Municipal Code, any person or entity who violates a provision of this chapter or code, fails to comply with any of the requirements thereof; or erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or a directive of the building official or of a permit or certificate issued under the provisions of this code shall be subject to issuance of a stop work order as provided in Section 15.04.120, suspension or revocation of said license or permit, or such other remedies as may be found within Title 15 of the Derby Municipal Code or otherwise allowed by law.

B. The 2023 National Electrical Code is hereby amended by addition of the following Section 110.2.2: 110.2.2 Liability.

The Code Official and any officer, employee or agents enforcing this code on behalf of the City of Derby, while acting within the scope of his or her employment, shall not be personally liable for his or her acts or omissions in accordance with the Kansas Tort Claims Act, as the same may from time to time be amended.

C. Section 110.5 of the 2023 National Electrical Code is hereby amended to read as follows: 110.5 Conductor Material.

Conductors in this article shall be of aluminum, copper-clad aluminum, or copper unless otherwise specified. All 15 and 20 ampere branch circuits shall have copper conductors.

D. Subsection (A) of section 210.8 of the 2023 National Electrical Code is hereby amended to read as follows: 210.8 (A) Dwelling Units.

All 125-volt, single-phase, 15- and 20- ampere receptacles installed in the following locations and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel:

1. Bathrooms
2. Garages and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use
3. Outdoors
4. Crawl spaces – at or below grade level
5. Basements
6. Kitchens
7. Areas with sinks and permanent provisions for food preparation, beverage preparation or cooking
8. Sinks – where receptacles are installed within 1.8 m (6 ft.) from the top inside edge of the bowl of the sink
9. Boathouses
10. Bathtubs or shower stalls – where receptacles are installed within 1.8 m (6 ft.) of the outside edge of the bathtub or shower stall
11. Laundry areas
12. Indoor damp and wet locations

Exception No. 1: Receptacles that are not readily accessible and are supplied by a branch circuit dedicate to electric snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22 as applicable.

Exception No. 2: A receptacle supplying only a permanently installed premises security system shall be permitted to omit ground-fault circuit-interrupter protection.

Exception No. 3: Listed weight-supporting ceiling receptacles (WSCR) utilized in combination with compatible weight-supporting attachment fittings (WSAF) installed for the purpose of a ceiling luminaire or ceiling-suspended fan shall be permitted to omit ground-fault circuit-interrupter protection. If a general-purpose convenience receptacle is integral to the ceiling luminaire or ceiling-suspended fan, GFCI protection shall be provided.

Exception No. 4: Factory installed receptacles that are not readily accessible and are mounted internally to bathroom exhaust fan assemblies shall not require GFCI protection unless required by the installation instructions or listing.

Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.

E. Subsection (B) of section 210.8 of the 2023 National Electrical Code is hereby amended to read as follows:

210.8 (B) Other than Dwelling Units.

All 120-volt receptacles supplied by single-phase branch circuits rated 150 volts or less to ground, 50 amperes or less, and all receptacles supplied by three-phase branch circuits rated 150 volts or less to ground, 100 amperes or less, installed in the following locations shall be provided with GFCI protection:

1. Bathrooms
2. Kitchens
3. Areas with sinks and permanent provisions for food preparation, beverage preparation, or cooking
4. Buffet serving areas with permanent provisions for food serving, beverage serving, or cooking
5. Rooftops
6. Outdoors
7. Sinks where receptacles or cord-and-plugged-connected fixed or stationary appliances are installed within 1.8 m (6 ft.) from the top inside edge of the bowl of the sink
8. Indoor damp or wet locations
9. Locker rooms with associated showering facilities
10. Garages, accessory building, service bays, and similar areas other than vehicle exhibition halls and showrooms
11. Crawl spaces at or below grade level
12. Unfinished areas of basements
13. Aquariums, baitwells, and similar open aquatic vessels or containers, such as tanks or bowls, where receptacles are installed within 1.8 m (6 ft.) from the top inside edge or rim or from the conductive support framing of the vessel or container
14. Laundry areas
15. Bathtubs and shower stalls where receptacles are installed within 1.8 m (6 ft) of the outside edge of the bathtub or shower stall

Exception No. 1: Receptacles that are not readily accessible and are supplied by a branch circuit dedicate to electric snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22 as applicable.

Exception No. 2: Receptacles on rooftops shall not be required to be readily accessible other than from the rooftop.

Exception No. 3: Receptacles or cord-and-plug-connected fixed and stationary appliances installed within 1.8 m (6ft) from the top inside edge of a bowl of a sink shall not be required to be GFCI protected in industrial establishments where the conditions of maintenance and supervision ensure that only qualified personnel are involved, an assured equipment grounding conductor program in accordance with 590.6(B)(2) shall be permitted for only those receptacle outlets used to supply equipment that would create a greater hazard if power is interrupted or that has a design not compatible with GFCI protection.

Exception No. 4: Receptacles or cord-and-plug-connected fixed and stationary appliances installed within 1.8 m (6 ft) from the top inside edge of a bowl of a sink shall not be required to be GFCI protected in industrial laboratories where the receptacles are used to supply equipment if removal of power would introduce a greater hazard.

Exception No. 5: receptacles located in patient bed locations of Category 2 (general care) or Category 1 (critical care) spaces of health care facilities shall be permitted to comply with 517.21.

Exception No. 6: Listed weight-supporting ceiling receptacles (WSCR) utilized in combination with compatible weight-supporting attachment fittings (WSAF) installed for the purpose of serving a ceiling luminaire or ceiling-supported fan shall be permitted to omit GFCI protection. If a general-purpose convenience receptacle is integral to the ceiling luminaire or ceiling-suspended fan, GFCI protection shall be provided.

F. Subsection (D) of section 210.8 of the 2023 National Electrical Code is hereby amended to read as follows: 210.8 (D) Specific Appliances.

GFCI shall be provided for the branch circuit or outlet supplying the following appliances rated 150 volts or less to ground and 60 amperes or less, single- or 3-phase:

1. Automotive vacuum machines
2. Drinking water coolers and bottle fill stations
3. High-pressure spray washing machines
4. Tire inflation machines
5. Vending machines
6. Sump pumps
7. Dishwashers
8. Electric ranges
9. Wall-mounted ovens
10. Counter-mounted cooking units
11. Clothes dryers
12. Microwave ovens

Exception: Ground fault circuit interrupter protection shall not be required on a sewage injector pump or sump pump that is cord and plug connected to a single receptacle installed on an individual motor branch circuit.

G. Subsection (F) of section 210.8 of the 2023 National Electrical Code is hereby amended to read as follows: 210.8 (F) Outdoor Outlets.

For dwellings, all outdoor outlets, other than those covered by section 210.8(A), including outlets installed in the following locations, and supplied by single-phase branch circuits rated 150 volts or less to ground, 50 amperes or less shall be provided with GFCI protection:

1. Garages that have floors located at or below grade
2. Accessory buildings
3. Boathouses

If equipment supplied by an outlet covered under the requirements of this section is replaced, the outlet shall be supplied with GFCI protection.

Exception No. 1: GFCI protection shall not be required on lighting outlets other than those covered in section 210.8(C) of the 2023 National Electrical Code.

Exception No. 2: GFCI protection shall not be required for HVAC equipment.

H. Subsection (B) of section 210.12 of the 2023 National Electrical Code is hereby amended to read as follows: 210.12 (B) Dwelling Units.

In any areas specified in section 210.12(A) where branch-circuit wiring is modified, replaced, or extended, the branch circuit shall be protected by one of the following:

1. A listed combination of AFCI located at the origin of the branch circuit
2. A listed outlet branch-circuit type AFCI located at the first receptacle outlet of the existing branch circuit

Exception: AFCI protection shall not be required where the extension of the existing conductors is not more than 6.1 m (20 ft.) and does not include any additional outlets or devices.

I. Subsection 210.52(C)(3) of the National Electrical Code is hereby amended to read as follows: 210.52 (C)(3) Receptacle Outlet Location.

Receptacle outlets shall be located in one or more of the following:

1. On or above, but not more than 500 mm (20 in.) above, a countertop or work surface.
2. In a countertop using receptacle outlet assemblies listed for use in countertops.
3. Not more than 300 mm (12 in.) below a countertop or work surface.

Receptacle outlets rendered not readily accessible by appliances fastened in place, appliance garages, sinks, or range tops as covered in 210.52(C)(1), Exception No. 1, or appliances occupying assigned spaces shall not be considered as these required outlets.

Informational Note No. 1: See 406.5(E) for installation of receptacles in countertops and 406.5(F) for installation of receptacles in work surfaces. See 308.10 for installation of multioutlet assemblies.

Informational Note No. 2: See Informative Annex J and ANSI/ICC A117.1-2009, Standard on Accessible and Usable Buildings and Facilities, for additional information.

J. Section 225.41 of the 2023 National Electrical Code is hereby omitted and deleted in its entirety.

K. Section 225.42 of the 2023 National Electrical Code is hereby amended to read as follows: 225.42 Surge Protection.

(A) **Surge Protective Device.** Where a feeder supplies any of the following, a surge-protective device (SPD) shall be installed:

1. Dwelling Units
2. Dormitory Units
3. Guest rooms and guest suites of hotels and motels
4. Areas of nursing homes and limited-care facilities used exclusively as patient sleeping rooms

(B) **Location.** The SPD shall be installed in or adjacent to the distribution equipment that is connected to the load side of the feeder and contains branch circuit overcurrent protective device(s) that supply the location specified in 225.42(A).

Informational note: Surge protection is most effective when closest to the branch circuit. Surges can be generated from multiple sources including, but not limited to, lightning, the electric utility, or utilization equipment.

(C) **Type.** The SPD shall be Type 1 or Type 2 SPD.

(D) **Ratings.** SPDs shall have a nominal discharge current rating (In) of not less than 10kA.

L. Subsection (A) of Section 230.70 of the 2023 National Electrical Code is hereby amended to read as follows: 230.70 (A) Service Length.

Unused service entrance conductors shall not be extended more than fifteen feet inside any building.

M. Table 310.12(A) of the 2023 National Electrical Code is hereby amended to read as follows:

Table 310.12(A)Conductor Types and Sizes For 120/240-Volt, 3-Wire, Single-Phase Dwelling Services and feeders.

Conductor (AWG or kcmil)		
Copper	Aluminum or Copper-Clad Aluminum	Service or Feeder Rating (Amperes)
4	2	100
3	1	110
2	1/0	125
1	2/0	150
1/0	3/0	175
2/0	4/0	200
3/0	250	225
4/0	300	250
250	350	300
350	500	350
400	600	400

N. Subsection (A) of section 680.9 of the 2023 National Electrical Code is hereby amended to read as follows:

680.9 (A) Power. The following parts of pools shall not be placed under existing electrical, communications, CATV, network powered broadband conductors or any other overhead wiring: nor shall such wiring be installed above the following:

1. Pools and the area extending 10 ft. horizontally from the inside walls of the pool;
2. Diving structure; or
3. Observation stands, towers, or platforms.

Section 3. Repeal

Original sections 15.20.010 and 15.20.020 of the Derby Municipal Code are hereby repealed and replaced as provided for in this ordinance. All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. Severability

Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 6. Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance once in the City’s official newspaper as provided by state law.

PASSED by the City Council this 9th day of December, 2025 and **SIGNED** by the Mayor.

/s/Mark A. Staats
Mayor

Attest:

/s/Lynn Ciarleglio
City Clerk

Approved as to form:

/s/Jacqueline R. Butler
Jacqueline R. Butler, City Attorney