

ORDINANCE NO. O-2022-53

**AN ORDINANCE AMENDING CHAPTER 22, "BUILDING AND BUILDING REGULATIONS", ARTICLE V, "ELECTRICAL CODES", SECTION 22-51, "AMENDMENTS", SUBSECTION (f) OF THE WHEATON CITY CODE  
RESIDENTIAL EXTERIOR LIGHTING – DARK SKY COMPLIANT LIGHT FIXTURES**

**WHEREAS**, the City of Wheaton ("City") is an Illinois home rule municipality pursuant to provisions of Article VII, Section 6 of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the subject matter of this ordinance pertains to the government and affairs of the City and its residents; and

**WHEREAS**, the corporate authorities of the City find it is in the best interests of its residents to have and maintain standards regulating and governing residential exterior lighting fixtures which minimize light pollution, light trespass and glare; and

**WHEREAS**, the International Dark Sky Association ("IDA") has developed a Fixture Seal of Approval program to provide objective, third-party certification for lighting that minimizes glare, reduces light trespass and does not pollute the night sky; and

**WHEREAS**, Article 3.4D.1 of the Wheaton Zoning Ordinance requires, in part, IDA and/or Dark Sky compliant exterior lighting fixtures; and

**WHEREAS**, the City finds it appropriate to amend the NFPA 70 National Electrical Code/2017 adopted by the City in Chapter 22, Building and Building Regulations, Article V, Electrical Codes to include a requirement for IDA and/or Dark Sky compliant exterior lighting fixtures.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

**SECTION 1:** That Subsection (f) of Section 22-51 "Amendments" of Article V, "Electrical Codes" of Chapter 22, "Building and Building Regulations", is hereby amended by repealing and rescinding Subsection (f) of Section 22-51 in its entirety and replacing it with a new Subsection (f), which shall read as follows:

(f) The following sections or subsections of the NFPA 70 National Electrical Code/2017 are amended as indicated:

Section 110.3, add a new subsection (D) which shall read:

(D)—Dark Sky Compliant Residential Exterior Light Fixtures.

All exterior lighting fixtures for new residential structures, constructed after November 21, 2022, shall be compliant with the International Dark Sky Association's ("IDA") Dark Sky Fixture Seal of Approval program.

Add the following section:

210.8 (F) Location. The ground-fault circuit-interrupter(s) required by this section shall be located in the same room as the receptacle(s) served.

Section 230.70 General (Service equipment—Disconnecting means), (A) Location, (I) Readily accessible location. Change to read:

The service disconnecting means shall be installed at a readily accessible location outside of a building or structure and be an integral part of the metering equipment. Exception: In other than one- and two-family dwellings:

(1) The main disconnecting means can be in a mechanical/electrical room with exterior access provided that the electrical room has one-hour rated construction; or

(2) The main disconnecting means can be in a mechanical/electrical room with interior access of not more than 20 feet travel distance provided that the room and access travel has one-hour rated construction.

Section 310.106 Conductors, (B) Conductor material. Add the following:

Sizes #8 AWG, #10 AWG and #12 AWG in aluminum and aluminum clad copper shall not be permitted.

Section 334.10 Uses permitted (Non-metallic sheathed cable: Types NM, NMC, and NMS). Change to read:

Type NM, Type NMC, and type NMS cables shall be permitted to be used only for temporary wiring in accordance with Article 590, Temporary installations of this code in the following:

Section 340.10 Uses permitted (Underground feeder and branch-circuit cable: Type UF), Item (3). Change to read:

For use only as temporary wiring in interior wiring in accordance with Article 590, Temporary installations of this code.

Section 362.10 Uses permitted (Electrical nonmetallic tubing: Type ENT). Change to read:

For the purpose of this article the first floor of a building shall be that floor that has 50 percent or more of exterior wall surface level with or above finished grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use shall be permitted. The use of ENT and fittings shall be limited to use as a chase or raceway only for conductors listed for use in articles 720, 725, 727, 760, 770, 800, 810, 820, 830, and 840 in the following:

Section 394.10 Uses permitted (Concealed knob-and-tube wiring), Item (1). Change to read:

Only for repair of existing systems.

Change to read:

Section 680.11 Underground wiring shall not be installed under or within the area extending 5 feet horizontally from the inside walls of the pools and outdoor hot tubs and spas except where wiring is installed to supply pools, spa, or hot tub equipment. Underground wiring shall be installed in rigid metal conduit, intermediate metal conduit rigid polyvinyl chloride conduit, reinforced thermosetting conduit or Type MC cable, suitable for conditions subject to that location. The minimum cover depth shall be in accordance with Table 300.5.

**SECTION 2:** In all other respects, the terms and provisions of the Wheaton City Code are ratified and shall remain in full force and effect.

**SECTION 3:** That all ordinances or parts of ordinances in conflict with provisions of this Ordinance are hereby repealed.

**SECTION 4:** That this Ordinance shall become effective from and after its passage, approval, and publication provided by law.



Philip J. Suess  
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Mayor

ATTEST: 

City Clerk

Roll Call Vote

Ayes: Councilman Weller  
Councilwoman Bray Parker  
Councilman Barbier  
Mayor Suess  
Councilwoman Robbins

Nays: None

Absent: Councilman Brown  
Councilwoman Fitch

Motion Carried Unanimously

Passed: November 21, 2022

Published: November 22, 2022

