

City of Tonawanda, NY

Electrical Ordinance

ARTICLE 3. ELECTRICAL STANDARDS

DIVISION 1. GENERALLY

Sec. 14-231. Penalties.

(a) Any person who shall violate any of the provisions of the code adopted by this article, or who fails to comply therewith, or who shall violate or fail to comply with any order made hereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved hereunder or any certificate or permit issued hereunder, or who shall fail to comply with such an order as affirmed by the common council or by a court of competent jurisdiction within the time fixed therein, shall severally, for each and every such violation and noncompliance respectively, be punished as provided in section 1-7. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined by the building inspector. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the penalty in subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions.

(Res. of 1-22-2008)

Sec. 14-232. Disclaimer of liability.

This article shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the city or the state board of fire underwriters be deemed to have assumed any such liability by reason of any inspection made pursuant to this article.

(Res. of 1-22-2008)

Sec. 14-233. National electrical code adopted.

There are hereby adopted by the common council, for the purpose of prescribing regulations governing conditions hazardous to life and property from electricity, the standards of that certain codes known as the National Electrical Code and National Electrical Safety Code as referenced in the New York State Uniform Fire Prevention and Building Code.

(Res. of 1-22-2008)

Secs. 14-234--14-250. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 14-251. Generally.

The electrical code shall be enforced by and be operated under the supervision of the building inspector.

(Res. of 1-22-2008)

Sec. 14-252. Inspectors.

(a) The building inspector may detail such members of the building department as inspectors as shall from time to time be necessary. The building inspector shall accept the assistance of the city electrician and the inspectors of an electrical inspection agency approved by the building inspector.

(b) In order to be approved by the building inspector, an electrical inspection agency must provide:

(1) Proof of liability insurance coverage in the amount of \$1,000,000.00 each occurrence/\$2,000,000.00 aggregate, naming the City of Tonawanda as an additional insured.

(2) Proof of workers' compensation insurance coverage.

(3) Proof of New York State disability insurance coverage.

(4) Proof that all inspectors are, in fact, direct employees of the agency.

(c) In order to be approved by the building inspector, the inspectors of any electrical inspection agency must meet the following requirements:

(1) Electrical inspectors must comply with the requirements for New York State Code Enforcement Officials pursuant to Title 19 NYCRR, Parts 434 and 1208 and any and all amendments thereto.

(2) Electrical inspectors must be certified by the International Association of Electrical Inspectors (IAEI) as a Certified Electrical Inspector Residential to perform electrical inspections on one- and two-family dwellings.

(3) Electrical inspectors must be certified by the International Association of Electrical Inspectors (IAEI) as a Certified Electrical Inspector Master to perform electrical inspections on one- and two-family dwellings and all other buildings or occupancies.

(d) Any approved electrical inspector directly employed by an approved electrical inspection agency is hereby authorized and deputized as agent of the city to make inspections and reinspections of all electrical installations and to approve or disapprove such installations.

(e) The cost or expense of such inspections and reinspections by an approved electrical inspector shall not be a charge against the city unless the common council shall authorize payment therefore. The cost of all inspections shall be paid by the applicant.

(Res. of 1-22-2008; Res. of 4-21-2009, § 93)

Sec. 14-253. Inspections generally; certificate of compliance.

An approved electrical inspector shall report in writing, to the city building inspector all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code and of all local laws and ordinances and the building code as referred to in this article insofar as any of such provisions apply to electrical wiring. The approved electrical inspector shall make inspections and reinspections of electrical installations in and on properties in the city upon written request of an authorized official of this city or as provided in this article. The approved electrical inspectors are authorized to make inspections and reinspections of electrical wiring installations, devices, appliances and equipment in and on properties within the city where they deem it necessary for the protection of life and property. In the event of an emergency, it is the duty of the approved electrical inspectors to make electrical inspections upon the oral request of an official or officers of the city and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. An approved electrical inspector shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with this article. An approved electrical inspector shall direct that a copy of the certificate of compliance be sent to the building inspector of this city.

(Res. of 1-22-2008; Res. of 4-21-2009, § 93)

Sec. 14-254. Application for permit and inspection; connection of power supply.

It shall be a violation of this article for any person to install or cause to be installed or to alter electrical wiring for light, heat or power in or on properties in the city until an application for inspection has been filed and a permit issued by the City of Tonawanda Building Inspector. It shall be a violation of this article for a person to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply prior to the issuance of a temporary certificate or a certificate of compliance by the City of Tonawanda Building Inspector.

(Res. of 1-22-2008; Res. of 4-21-2009, § 93; Res. of 12-7-2010, § 296)

DIVISION 3. LICENSING OF ELECTRICIANS

Sec. 14-255. Master electrician's license required; work performed by utility companies.

(a) It shall be unlawful for any person, firm or corporation to engage in, carry on or conduct or to hold himself or itself out as being able to engage in, carry on or conduct any business involving electrical work in the City of Tonawanda, New York, unless such business shall be conducted under a current master electrician's license issued in accordance with the provisions hereof. A person, firm or corporation shall be deemed to be licensed if such person, firm or corporation is a license holder or if such person, firm or corporation is an employee or subcontractor of a licensed person, firm or corporation in accordance with the provisions of subsection 14-256(g)(2) herein contained.

(b) A licensee may hire employees to do electrical work or may or may subcontract such work, but in any event all electrical work must be done by or under the supervision of a master electrician.

(c) Electrical work performed by a utility company in its normal function of supplying its particular service to the meter of any building, structure or premises may be performed without a license and need not be under the supervision of a master electrician.

(Res. of 6-15-2010, § 182)

Sec. 14-256. Licensing application and procedure; restrictions; fees.

(a) The building inspector shall issue an electrician's license to any qualified person, firm or corporation upon presentation of a duly completed and executed application, payment of the fee as required herein and filing of the certificate of insurance as required herein. The information required in the application shall be determined by the building inspector.

(b) An applicant for an electrician's license shall be deemed qualified as follows:

(1) If a person, such person or at least one full-time employee of that person must hold a master electrician certificate.

- (2) If a firm, in the case of a partnership, at least one active partner or full-time employee thereof holds a master electrician certificate or, in the case of a sole proprietorship, the owner or at least one full-time employee holds a master electrician certificate.
- (3) If a corporation, such corporation has at least one full-time employee holding a master electrician certificate.
- (c) An application for an electrician's license shall be duly completed when the following requirements are met:
- (1) A qualified person states his name and address, the name and address of his business establishment and the name and address of the master electrician in his employ.
- (2) A qualified firm or corporation states the name and address of the business establishment and the names and addresses of its partners in the case of a partnership, its owner's name and address in the case of a sole proprietorship or the names and addresses of its officers and directors in the case of a corporation; in addition, such firm, corporation, partnership or sole proprietorship shall also disclose the name and address of the master electrician in its employ.
- (3) Such qualified person, firm or corporation shall complete and execute an application for an electrician's license in such form as may be prescribed and amended from time to time by the building inspector and furnish such information as the building inspector shall require.
- (d) The fee for a master electrician's license or for any renewal thereof to conduct an electrical business shall be as established in section 30-133(b).
- (e) The licensee shall file with the building inspector a policy or certificate of insurance evidencing coverage for the licensee's operations and naming the City of Tonawanda, New York, as an additional insured in the amount of \$1,000,000.00 combined single limit for bodily injury and property damage liability.
- (f) Such license shall be valid from the date of issue to December 31 of the year issued. The licensee may renew the license by submitting to the building inspector within 30 days preceding expiration of the license, such documentation and information as the building inspector may require, paying the required fee and furnishing the certificate of insurance required by this chapter.
- (g) Restriction on use of license.
- (1) Except as herein provided, no licensed person, firm or corporation duly licensed pursuant to this chapter shall allow his name to be used by any other person, firm or corporation, either for the purpose of obtaining a license under this chapter, a permit under Chapter 14, Buildings and Building Regulations, of the Code of the City of Tonawanda, New York, or doing any work under his license.
- (2) This restriction shall not prohibit a person, firm or corporation, duly licensed pursuant to this chapter, from subletting an electrical job or portion thereof to another person, firm or corporation, provided that such arrangement is disclosed on the application for an electrical permit as prescribed by Chapter 14, Buildings and building Regulations, of the Code of the City of Tonawanda, New York, and that the licensed person firm or corporation subletting such work shall be responsible for all such work.
- (3) A license is not transferable or assignable to any successor in the business or to any person whosoever under any circumstances.
- (h) Within seven days of the change, any licensed person, firm or corporation, as applicable, shall notify the building inspector, in writing, of the following:
- (1) A change with respect to the employment status of a master electrician.
- (2) A change with respect to the slate of officers and/or directors of a corporation.
- (3) A change with respect to the partners comprising a partnership.
- (4) A change with respect to the owner of a sole proprietorship.
- (i) During any license year, it shall be the obligation of every licensed person, firm or corporation to be in continuous compliance with the qualifications and requirements needed to obtain an electrician's license and in the event of a failure to do so, the license issued shall become null and void and the licensee shall immediately surrender such license to the building inspector.
- (j) Such license shall be subject to revocation, in the discretion of the building inspector, upon conviction of the licensee or any master electrician in the employ of a licensee of a violation of this article or Chapter 14, Buildings and Building Regulations, of the Code of the City of Tonawanda, New York. Such license shall not be restored for one year after conviction and thereafter only by the discretion of the building inspector, provided that he is satisfied that the applicant has taken steps to assure that such violation will not occur again.
- (k) A violation of this article [or] Chapter 14 committed by any agent, servant or employee of a licensee shall also be deemed a violation by the licensed person, firm or corporation and the master electrician under whose employ or supervision such violation occurred.

(Res. of 6-15-2010, § 182)

Sec. 14-257. Master electrician certificate; fee.

(a) A master electrician shall be a natural person who holds a master electrician certificate issued pursuant to this chapter.

(b) A master electrician certificate shall be issued by the building inspector if a person has qualified for and received a grade of at least 75 percent on an examination as provided by Prometric, or an approved testing agency entitled master electrician within three years of the date of application for a master electrician certificate

(c) Such examination shall be the sole responsibility of the applicant. In order to qualify to receive an application to take such examination, a person must:

(1) Satisfactorily demonstrate to the building inspector that he has worked under the supervision of a licensed master electrician as a journeyman electrician for a period of 5,000 hours, performing the following: the installation, maintenance, extension and alteration of wiring, fixtures, appliances and appurtenances in connection with all of the following: electrical distribution, wiring and protection, methods and materials, special occupancies, grounding, motors and controllers, transformers, fire protection systems, optical fiber systems, communications systems and any other type of installation as required by the National Electrical Code, as amended from time to time.

(2) Satisfactorily demonstrate to the building inspector that he has a thorough knowledge and understanding of the National Electrical Code, as amended from time to time.

(3) The fee for a master electrician's certificate shall be as established in section 30-133(a).

(4) Satisfactorily demonstrate to the building inspector that applicant is of good moral character.

(d) Any person who fails, upon demand by the building inspector, his duty or assistants to produce a master electrician certificate within a reasonable time shall be presumed not to be the holder of a master electrician certificate.

(e) It shall be unlawful for any person to hold himself out as a master electrician unless he is the holder of a valid master electrician certificate.

(f) Waiver of examination.

(1) The building inspector is empowered to waive the examination requirement for any person who currently holds a valid 2010 master electrician's license issued by a city, town or village which has comprehensive competency examination requirements for the issuance of a master electrician license.

(2) Such person must comply with all of the requirements associated with this chapter.

(3) In the event that the building inspector waives the requirement for an examination as provided herein, the person receiving such waiver shall pay a fee of \$100.00 in order to receive his master electrician's certificate.

(4) The building inspector shall not issue any waivers of examination after December 31, 2010.

(Res. of 6-15-2010, § 182)

Sec. 14-258--14-260. Reserved.