

ORDINANCE

FOR THE PURPOSE OF ADOPTING THE 2005 NATIONAL ELECTRIC CODE, AND ITS SUBSEQUENT REVISIONS, ALONG WITH AMENDED LOCAL PROVISIONS AS THE ST. MARY'S COUNTY ELECTRICAL CODE; PROVIDING REGULATIONS GOVERNING THE INSTALLATION AND MAINTENANCE OF WIRING AND APPARATUS IN ST. MARY'S COUNTY; PROVIDING THAT THE 1999 NATIONAL ELECTRIC CODE (NEC 1999) IS RESCINDED AS THE APPLICABLE ELECTRIC CODE IN ST. MARY'S COUNTY; AND PROVIDING FOR THE BOARD OF ELECTRICAL EXAMINERS OF ST. MARY'S COUNTY AS THE AUTHORITY FOR INTERPRETING THE ST. MARY'S COUNTY ELECTRIC CODE; AND REPEALING AND REENACTING WITH AMENDMENT ARTICLES I, II AND III OF SECTION 217 OF THE CODE OF PUBLIC LOCAL LAWS AND ORDINANCES OF ST. MARY'S COUNTY.

RECITALS

WHEREAS, pursuant to the Public Local Laws of Maryland, Article 19, Chapters 38, (the same being Code of Public Locals Laws and Ordinances of St. Mary's County, Chapter 38), the Board of County Commissioners for St. Mary's County may adopt and amend the Electrical Code for St. Mary's County; and

WHEREAS, Maryland Annotated Code, *Public Safety Article*, Section 12-606 (c)(2) requires that the County Commissioners adopt regulations to govern the issuance of electrical permit to homeowners; and

WHEREAS, the Board of County Commissioners desires to amend the existing Electrical Code of St. Mary's County; and

WHEREAS, the Board of County Commissioners for St. Mary's County held a public hearing on December 6, 2005, pursuant to Article 25, §3(r) of the Annotated Code of Maryland, pursuant to notice published in *St. Mary's Today*, a local newspaper of general circulation in St. Mary's County, on November 20, 2005 and November 27, 2005 relevant to the within proposed amendments to the St. Mary's County Electrical Code to include the modifications recommended by the St. Mary's County Board of Electrical Examiners which are: to amend and adopt the 2005 National Electrical Code with local amendments; and

WHEREAS, implementation of an effective electrical code promotes the health, safety, and welfare of the citizens of St. Mary's County; and

WHEREAS, the provision of minimum standards for the protection of consumers and electricians provides a benefit to all citizens of the County; and

WHEREAS, the 2005 National Electrical Code provides greater universality of standards with neighboring jurisdictions and adopts methods that have been proven effective on a nationwide basis; and

WHEREAS, providing for specific exceptions to the 2005 National Electrical Code allows St. Mary's County to customize certain provisions of the national standards to its own specific needs to address circumstances peculiar to the County; and

WHEREAS, the Electrical Code of St. Mary's County currently recognizes the 1999 National Electrical Code (NEC 1999) as the Electrical Code of the County; and

WHEREAS, the St. Mary's County Board of Electrical Examiners for St. Mary's County, after thorough review and discussion, recommends that the Board of County Commissioners for St. Mary's County adopt the 2005 National Electrical Code (NEC 2005) in its entirety along with certain local special provisions to replace NEC 1999; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County, that Ordinance 00-12 and the adoption of NEC 1999 prescribed therein is hereby repealed, and the National Electrical Code, (2005 Edition), including all annexes, as adopted by the National Fire Protection Association, as amended by certain local provisions set forth in Chapter 217 of Code of Public Locals Laws and Ordinances of St. Mary's County, is hereby adopted as the St. Mary's County Electrical Code, and it is incorporated by reference hereto with the same force and effect as though set out in full herein. Notwithstanding the foregoing, all electrical installations in St. Mary's County, Maryland shall meet the standards and requirements set forth by the most recent edition of the National Electrical Code, beginning sixty (60) days after the first publication of that edition, and this Chapter, regardless of changes to section numbers within the future editions of the Code, and all rules and regulations of the St. Mary's County Board of Electrical Examiners, as amended from time to time; and

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County, that Chapter 217 of Code of Public Locals Laws and Ordinances of St. Mary's County shall be repealed and readopted to read as follows:

St. Mary's County – Electric Code

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ARTICLE I - GENERAL PROVISIONS

217-1. Administration; Permits; Inspections.

A. Administration of National Electrical Code.

- (1) The National Electrical Code, (2005 Edition), including all annexes, as adopted by the National Fire Protection Association, (hereinafter, the effective base code shall be referred to as the "NEC"), is hereby adopted as the St. Mary's County Electrical Code, and it is incorporated by reference hereto and is made a part of this Chapter with the same force and effect as though set out in full herein, save and except such changes, amendments, revisions, deletions, substitutions and additions as are specified. Notwithstanding the foregoing, all electrical installations in St. Mary's County shall meet: (a) the standards and requirements set forth by the most recent edition of the NEC beginning sixty (60) days after the first publication of that edition; (b) this Chapter, regardless of changes to section numbers within the future editions of the NEC; and (c) all rules and regulations of the St. Mary's County Board of Electrical Examiners, as amended from time to time.
- (2) The St. Mary's County Board of Electrical Examiners is hereby recognized as the interpreting authority of NEC and the St. Mary's County Electrical Code.
- (3) The Board of Electrical Examiners is the authority having jurisdiction regarding the enforcement of the St. Mary's County Electrical Code, as defined in NEC, Annex G.

- (4) The adoption of NEC 2005, or its successor, as set forth above, along with locally adopted provisions set forth in this Chapter 217 of Code of Public Locals Laws and Ordinances of St. Mary's County shall supersede all other County ordinances or resolutions applicable to electrical work, including the County's most recent adoption of the International Building Code and the International Residential Codes.

B. Permits. A permit is not required to perform electrical work; however:

- (1) A completed application for inspection and correct fees must be accepted by the approved inspection agency prior to performing any electrical work, the completed application will serve as the permit; and
- (2) May be subject to civil violation and/or citation enforcement pursuant to the County Municipal Infraction System and this Chapter 217.

C. Electrical Inspections.

- (1) Except as otherwise provided herein, all electrical work shall be required to be inspected.
- (2) The provisions of the (NEC 2005) shall not apply to electrical work for which an application for inspection has been accepted by the approved inspection agency prior to the effective date of this Ordinance.
- (3) If an inspection is made and a violation noted by an inspector, a reinspection is required. If, after the reinspection, the violation has not been properly corrected as instructed by the inspector, an additional inspection fee may be required, as determined by the Department of Land Use and Growth Management, before any future reinspections will be performed by the Inspector.
- (4) Any electrical work violation not properly corrected as instructed by the Electrical Inspector may result in the electrical power being disconnected from the building or structure.

D. Restricted Licenses. The work contemplated within the following Articles of NEC shall be performed by a St. Mary's County licensed master electrician, restricted licensed, or a homeowner that has been approved pursuant to Article III, Section 217.4:

Exception: Homeowner's are exempt from this section for installation of wiring and connection for the following equipment: telephone, computer/data, surround sound, radio/stereo and cable/satellite television systems in their own residence.

- (1) 720, Circuits and Equipment operating at less than 50 volts; and
- (2) 725, Class 1, Class 2 and Class 3 Remote-Control, Signaling, and Power-Limited Circuits; and
- (3) 760, Fire Alarm Systems; and
- (4) 770, Optical Fiber Cables and Raceways; and
- (5) 800, Communication Circuits; and
- (6) 820, Community Antenna Television and Radio Distribution Systems; and

- (7) Part IV, Grounding Methods; and
- (8) Part V, Cables Within Buildings Exceptions 1, 2 and 3; and
- (9) 830, Network-Powered Broadband Communications Systems.

E. Inspections, Violations and Enforcement.

- (1) Electrical inspections shall be performed by an approved inspection agency as authorized by the Board of County Commissioners for St. Mary's County, Maryland.
- (2) Violations verified by the approved inspection agency shall be reported to the St. Mary's County Board of Electrical Examiners and subject to:
 - a. The Rules and Regulations of the Board of Electrical Examiners;
and
 - b. Civil violation and/or citation enforcement pursuant to Maryland Annotated Code, Article 23A, Section 3 and Maryland Annotated Code, Article 25, Section 10J-1:
 - i. *Penalty.* Any person who knowingly or willfully violates any provision of this code may be enjoined from committing such violations by any court of competent jurisdiction. The Code Official shall be responsible for seeking injunctive relief, fines and shall also be authorized to recover reasonable attorney's fees and court costs for the judicial proceeding.
 - ii. *Other penalties.* Any penalty ordered under this code is in addition to and is not a substitute for any other penalty authorized under a federal, state or local law.
 - c. In addition to the foregoing, the St. Mary's County Board of Electrical Examiners shall have full power to revoke for proper cause any license after a full hearing of all parties involved. The date, time and place of said hearing shall be set by the St. Mary's County Board of Electrical Examiners.
- (3) The Director of Land Use & Growth Management or an authorized representative, upon exhibiting proper credentials or proof of identity on request, has the right to enter any building, structure or premises, except private residences, without consent of the occupants, at any time during business or operating hours and at such other times as may be necessary in any emergency that immediately endangers life, property or public safety, for the purpose of enforcing this chapter. In the case of multiple dwellings, the Director of Land Use & Growth Management or an authorized representative has the right to enter without consent only those spaces to which the public is ordinarily admitted, such as hallways, basements and similar spaces, provided that the Director of Land Use & Growth Management or an authorized representative may enter any private residence or dwelling for the purpose of enforcing this chapter with the consent of the occupants or without such consent if the Director of Land Use & Growth Management obtains an administrative search warrant in accordance with prescribed legal procedure or if there is an emergency present.
- (4) A person may not hinder, impede, or interfere with an official or employee of the Department in the discharge of official duties.

- (5) Whenever electrical equipment is an immediate threat to the safety of persons or property, or whenever it may interfere with the fire protection service of a fire department in the County, the Director of Land Use & Growth Management or an authorized representative may cause the equipment to be disconnected or shut down immediately without notice to the owner of the equipment.

217-2 Repealer. Any prior policy or procedure not in agreement with the above is hereby rescinded.

ARTICLE II – ELECTRICAL PERMITS

217-3 Policies and procedures for issuance. The following policies and procedures hereby apply to the issuance of electrical permits in St. Mary's County:

- A. Only one (1) electrical application for inspection shall be issued for each installation or portion thereof.
- B. Electrical application for inspection is not transferable.
- C. Should the occasion arise that a change in electrician(s) be requested for whatever reason, the Department of Land Use and Growth Management shall not approve a replacement application for inspection unless there is presented at the time of request:
 - (1) Written proof of attempted notification of all parties (certified letter); or
 - (2) A signed release; or
 - (3) An order of the St., Mary's County Board of Electrical Examiners.

Note: The replacement licensed electrician will become responsible for the entire installation.

ARTICLE III - HOMEOWNERS' ELECTRICAL INSTALLATIONS

217-4 Homeowner's Electrical Installations

- A. Conditions for issuance of permit.
 - (1) A homeowner may be granted a license for installation of electrical wiring in his/her own residence upon demonstrating to the Board of Electrical Examiners, through passage of a written test developed by said Board, that the homeowner possesses adequate knowledge of electrical wiring to be able to install systems correctly and protect his/her own safety.
 - (2) The St. Mary's County Department of Land Use and Growth Management shall issue such a homeowner's electrical wiring permit only upon receipt of certification of qualification from the Board of Electrical Examiners.
- B. Inspections. Inspections shall be made in accordance with the established fee schedule and rules and regulations of the Department of Land Use And Growth Management and the St. Mary's County Board of Electrical Examiners, respectively, as approved by the Board of County Commissioners for St. Mary's County.
- C. Administrative officer designated. Applications, rules and regulations, as shall hereafter be adopted by the Board of County Commissioners for St. Mary's County, and overall administration of the procedure for issuance of

permits for a homeowner's installation of electrical wiring in his/her own residence shall be the responsibility of the Board of Electrical Examiners.

D. Rules and Regulations. The following rules and regulations shall apply to this **Article III, Homeowner's Electrical Installations:**

- (1) Rule No. 1:
 - (a) Any person desiring to secure a homeowner's electrical license shall make application on a form provided by The Board of Electrical Examiners of St. Mary's County. Any false, erroneous or misleading answers or statements made in an application shall be cause for the rejection of the same or the revocation of a license issued to said applicant.
 - (b) Examinations will be held once a month on the first Tuesday of the month or as otherwise scheduled by the Board of Electrical Examiners. Exams will be given by the Board of Electrical Examiners. Any person to be examined shall have his/her application on file with the Board of Electrical Examiners within one (1) week prior to the date of the scheduled examination. All examinations shall be held to determine the applicant's knowledge of the duly adopted County Electrical Code and practical electrical work. During the examination, applicants shall be allowed to refer to the National Electrical Code (books to be provided by the Board of Electrical Examiners). Any person found referring to unauthorized notes or books during an examination shall be disqualified and may not reapply for one (1) year.
 - (c) All tests shall be developed, reviewed and graded by the St. Mary's County Board of Electrical Examiners. All test questions shall be taken from the Maryland Uniform Electrical Licensing Examination Committee, Inc. (MULEC) statewide examination book. Applicants for examination will be required to obtain a grade of least a seventy percent (70%) in order to obtain a license. Applicants who fail to obtain the required seventy percent (70%) will be entitled to re-examination upon submission of a new application. No person shall be entitled to more than three (3) examinations (one (1) initial and two (2) re-examinations) in any one (1) calendar year. Persons failing all three (3) examinations will not be eligible for re-examination from one (1) year of the last exam date.
 - (d) The examination fees are as follows: The exam fee of twenty-five dollars (\$25.00), which entitles applicant to three (3) exams, is due at the time of submitting the application.
- (2) Rule No 2: No license shall be granted to any person under the age of twenty one (21) years.
- (3) Rule No. 3: A time period of two (2) years must elapse before any person issued a license for work to be done at one (1) location may be issued a license for work to be done at a different location.
- (4) Rule No. 4: A homeowner's license is valid for two (2) years from the date of issue and only for the type of work authorized.
- (5) Rule No. 5: The Board of Electrical Examiners shall have full power to revoke, for proper cause, any license after a full hearing of all

involved parties. The date, time and place of said hearing shall be set by the Board.

- (6) Rule No 6: Any and all complaints must be made in writing to the Board of Electrical Examiners.
- (7) Rule No 7: Change or relocation of the service, as defined in the adopted St. Mary's County Electrical Code, after the initial installation is not authorized by the homeowner's license.

E. Severability. In the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners for Saint Mary's County to serve only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the ordinance, or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners for St. Mary's County in enacting this Ordinance.

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland that this Ordinance will take effect on the date written below as the "Effective Date."

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland that, where there shall be any conflict between the St. Mary's County Electrical Code and any other federal, state or county laws, rules, regulations, or ordinances, the more strict law, rule, regulation or ordinance shall be applicable. Where there shall be any conflict between the NEC and the locally adopted provisions, the locally adopted provisions shall apply.

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland that the Board of County Commissioners for Saint Mary's County, Maryland shall from time to time, as necessary, adopt and implement revisions to the St. Mary's County Electrical Code.

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Those voting aye: all

Those voting nay: -0-

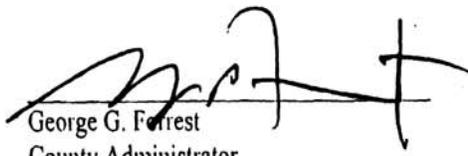
Those abstaining or absent: -0-

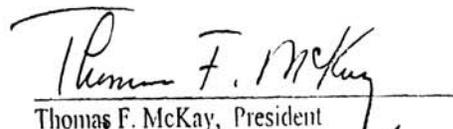
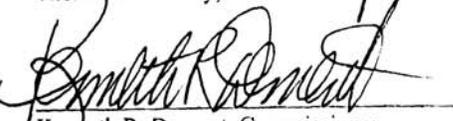
DATE OF ADOPTION: 4/11/06

EFFECTIVE DATE: 4/11/06

ATTEST:

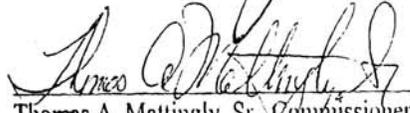
BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

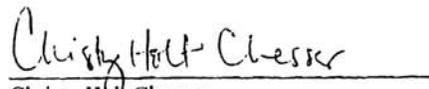

George G. Forrest
County Administrator

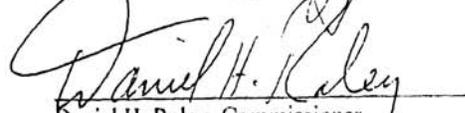

Thomas F. McKay, President

Kenneth R. Dement, Commissioner


Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Thomas A. Mattingly, Sr., Commissioner


Christy Holt Chesser
County Attorney


Daniel H. Raley, Commissioner