

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2015 Legislative Session, Legislative Day No. : June 23, 2015

Bill No.: 1304

Expiration Date: August 27, 2015

Introduced by: Mr. Bartlett, Mr. Pack, Ms. Williams

A BILL TO REPEAL AND RE-ENACT TALBOT COUNTY CODE CHAPTER 56, ELECTRICAL STANDARDS GOVERNING THE BOARD OF ELECTRICAL EXAMINERS; ELIMINATING THE BOARD'S POWER TO INVESTIGATE COMPLAINTS AND ALSO DECIDE COMPLAINTS; TRANSFERRING POWER TO HIRE ELECTRICAL INSPECTORS FROM THE ELECTRICAL BOARD TO THE BUILDING OFFICIAL; PROVIDING THAT THE COUNTY WILL ISSUE PERMITS FOR ELECTRICAL WORK; CHANGING THE STANDARD OF REVIEW OF ADMINISTRATIVE DECISIONS FROM A STANDARD THAT REQUIRES A SHOWING THAT THE DECISION WAS CONTRARY TO LAW, FRAUDULENT, ARBITRARY OR CAPRICIOUS, TO A STANDARD REQUIRING A SHOWING OF ERROR BY A PREPONDERANCE OF THE EVIDENCE; AND GENERALLY RELATING TO THE BUILDING OFFICIAL, THE BOARD OF ELECTRICAL EXAMINERS, ELECTRICAL LICENSES, PERMITS, INSPECTIONS, VIOLATIONS, AND ENFORCEMENT OF THE ELECTRICAL CODE

By the Council: June 23, 2015

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 14, 2015 at 2:00 p.m. at the Bradley Meeting Room, Talbot County Court House, South Wing, 11 North Washington Street, Easton, Maryland 21601.

By Order Susan W. Moran
Susan W. Moran, Secretary

A BILL TO REPEAL AND RE-ENACT TALBOT COUNTY CODE CHAPTER 56, ELECTRICAL STANDARDS GOVERNING THE BOARD OF ELECTRICAL EXAMINERS; ELIMINATING THE BOARD'S POWER TO INVESTIGATE COMPLAINTS AND ALSO DECIDE COMPLAINTS; TRANSFERRING POWER TO HIRE ELECTRICAL INSPECTORS FROM THE ELECTRICAL BOARD TO THE BUILDING OFFICIAL; PROVIDING THAT THE COUNTY WILL ISSUE PERMITS FOR ELECTRICAL WORK; CHANGING THE STANDARD OF REVIEW OF ADMINISTRATIVE DECISIONS FROM A STANDARD THAT REQUIRES A SHOWING THAT THE DECISION WAS CONTRARY TO LAW, FRAUDULENT, ARBITRARY OR CAPRICIOUS, TO A STANDARD REQUIRING A SHOWING OF ERROR BY A PREPONDERANCE OF THE EVIDENCE; AND GENERALLY RELATING TO THE BUILDING OFFICIAL, THE BOARD OF ELECTRICAL EXAMINERS, ELECTRICAL LICENSES, PERMITS, INSPECTIONS, VIOLATIONS, AND ENFORCEMENT OF THE ELECTRICAL CODE

KEY

- Boldface**..... Heading or defined term
- Underlining..... Added to existing law by original bill
- ~~Strikethrough~~..... Deleted from existing law by original bill
- Double underlining..... Added to bill by amendment
- ~~Double strikethrough~~Deleted from bill by amendment
- * * *Existing law unaffected

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Talbot County Code Chapter 56, *Electrical Standards* is hereby repealed and re-enacted in its entirety as set forth herein.

* * *

ELECTRICAL STANDARDS

§ 56-1 Definitions

1 In this Chapter the following definitions apply:

2 BOARD – the Board of Electrical Examiners.

3 BUILDING OFFICIAL – the Planning Officer or the Planning Officer’s designee

4 COUNTY -- Talbot County, Maryland

5 LICENSEE – a person, firm, or corporation that has been granted a license by Talbot County
6 to perform electrical work in Talbot County.

7 § 56-2 Adoption of standards

8 The 2008 edition of the National Electrical Code, as published by the National Fire Protection
9 Association, is hereby adopted as the minimum standard for electrical work in Talbot County,
10 Maryland.

11 § 56-3 Administration

12 The Building Official shall administer and enforce this Chapter with the advice and
13 recommendation of the Board of Electrical Examiners, and with the assistance of the County
14 electrical inspector and the Chief Code Compliance Officer.

15 § 56-4 Board of Electrical Examiners

16 A. Established. There is a Board of Electrical Examiners.

17 B. Membership. The Board shall be comprised of five members; two members shall be
18 currently engaged in the electrical business, and shall have engaged in such business for
19 at least five years prior to their appointment, one member shall be appointed from a list of
20 recommendations made by the Talbot County Volunteer Fire and Rescue Association,
21 one member shall be a professional electrical engineer or a representative of a public
22 service corporation enfranchised to distribute electrical power in the County, and one
23 member shall be appointed from the public at large. All Board members shall be current
24 residents of the County.

25 C. Appointment. Members of the Board shall be appointed by the County Council.

26 D. The Board shall annually elect officers and shall adopt Rules of Procedure to govern its
27 meetings.

28 E. Term. Members shall serve for a term of four years, or until their successors are
29 appointed and qualified. Interim appointments shall be for the remainder of the term for
30 which the appointment is made.

31 F. Duties. The Board shall advise the Building Official of its findings and recommendations
32 on:

33 (1) issuance of licenses;

34 (2) complaints regarding violations of this Chapter, Chapter 28 of this Code, or the
35 electrical code;

36 (3) adoption of rules and regulations; and,

37 (4) generally advise and assist the Building Official with respect to the provisions of this
38 Chapter.

39 G. Examinations. The Board shall ascertain by appropriate written examination the
40 qualifications and capabilities of persons seeking licensure to engage in the electrical
41 trade in the County.

42 H. Members shall receive such allowance for compensation and expenses as approved by
43 the County Council.

44 **§ 56-5 License required**

45 A. No person shall install, repair, maintain, or erect any kind of electrical wiring, conduits,
46 motors, fixtures, signs, electrically operated or controlled heating, ventilation, cooling or
47 refrigeration equipment, air conditioners, elevators, or any other electrically operated
48 apparatus or device, in or about any premises in the County, including the incorporated
49 municipalities within the County, without an electrician's license issued by the Building
50 Official in accordance with this Chapter, except as provided in A (1) through A (6), below.

51 (1) Electric light and power companies, railway companies, telephone companies,
52 telegraph companies, or cable television companies, or persons employed or
53 contracted to perform the electrical work of any such companies, when such work is
54 part of the plant or services of such company in rendering its authorized service to the
55 public.

56 (2) Employees engaged in maintenance and repair of electrical equipment on the
57 premises of their employer.

58 (3) Any person doing electrical work in a single-family dwelling used exclusively for
59 residential purposes, provided that person is a bona fide owner and occupant of such
60 dwelling for a period of six months immediately following completion of the work,
61 and said owner and occupant personally purchases and installs all equipment and
62 materials in connection with the installation therewith, except that such work is not

63 relieved of the inspections and approvals as required under § 56-13 B (1) of this
64 Chapter.

65 (4) Employees of persons licensed to perform electrical work as a master electrician,
66 electrician general, or electrician limited, when engaged in the performance of their
67 duties under the supervision of their employer.

68 (5) Employees or contractors engaged in the construction, reconstruction, maintenance,
69 or repair of any state or federal installations.

70 (6) Anyone engaged in the installation of insertion (plug-in) devices or appliances which
71 are designed for such insertion devices.

72 B. The Building Official shall administer and enforce the licensing provisions of this
73 Chapter, including the authority to issue, deny, suspend, or revoke electrician's licenses,
74 after considering the advice and recommendation of the Board of Electrical Examiners.

75 **§ 56-6 General requirements**

76 A. Applications. To apply for a license required under this Chapter, an applicant shall file an
77 application on the form required by the Building Official.

78 B. Fees. No license may be issued or renewed until the applicant pays the applicable fees.
79 Fees may not be refunded or pro-rated.

80 C. False or inaccurate information. An application that contains false or materially
81 inaccurate information may be denied.

82 D. Insurance. A licensee shall maintain workers' compensation insurance in the amount and
83 manner required by the Maryland Workers' Compensation Law. A licensee required to
84 maintain other insurance by this Chapter shall provide insurance with a carrier licensed to
85 offer insurance in this State, provide the Building Official with a copy of a certificate of
86 the required insurance, and make the policy available for inspection upon request. The
87 policy shall require ten days written notice of cancellation to the licensee and the County.
88 A license shall be suspended on a provisional basis without a hearing if the licensee fails
89 to carry or maintain all insurance required by this Chapter. The license shall be reinstated
90 immediately upon proof that the required insurance has been obtained and is in effect, but
91 such reinstatement shall not prohibit the Building Official from taking further action
92 against the licensee.

93 E. Compliance with other law. In addition to compliance with this Chapter, a licensee shall
94 comply with all applicable federal, State, and County law and regulations.

95 F. Change of information. An applicant or licensee shall notify the Building Official of any
96 change of residence, business address, place of employment, or telephone number within
97 ten calendar days of the effective date of any such change.

98 **§ 56-7 Classifications**

100 The following license classifications are hereby established:

101 A. Master electrician. A master electrician license is required for any person to engage in the
102 business of installing, erecting, repairing, or contracting to install, erect, or repair, electric
103 conductors to be used for the transmission of electric current for electric light, heat,
104 ventilation, cooling, refrigeration, or power purposes, or moldings, ducts, raceways, or
105 conduits for the reception of such conductors, or electrical machinery, apparatus, devices,
106 or fixtures to be used for electric light, heat, ventilation, cooling, refrigeration, or power, or
107 planning, estimating, laying out, or supervising such electrical work.

108 B. Limited electrician. A limited electrician license is required for any person to perform
109 electrical work limited to the installation of the maintenance and control wiring in not more
110 than two of the following categories of electrically operated equipment, systems, or
111 devices:

- 112 (1) heating, ventilation, air-conditioning, and refrigeration equipment;
- 113 (2) display signs;
- 114 (3) elevators;
- 115 (4) any alarm system, including but not limited to: fire, burglary, medical, or detection
116 systems;
- 117 (5) appliances;
- 118 (6) voice, audio, or video wiring;
- 119 (7) swimming pool and spa bonding;
- 120 (8) low-voltage wiring not included in the above categories.

121 **§ 56-8 Applicant qualifications**

122 Except for existing licensees seeking reciprocity under § 56-14, applicants shall submit
123 sufficient information to allow the Board to verify the applicant possesses the required
124 qualifications to be eligible to sit for the examination for the type of license requested. At a
125 minimum, the application shall include documentation establishing that:

126 A. Master electrician. An applicant for a County license as master electrician shall have been
127 regularly and principally employed or engaged in electrical construction, maintenance,
128 installation, and repair of all types of electrical equipment and apparatus, in accordance
129 with the criteria as stipulated in § 56-7 A, for not less than seven years preceding the date
130 of application, under the direction and supervision of a master electrician, three years
131 during which the applicant supervised, or was actively in charge of, electrical installation
132 work. The Board may credit not more than three years for formal course study or
133 professional training in electrical installation if, in the opinion of the Board, the study or

134 training provided comparable experience and training otherwise attainable under the
135 supervision of a master electrician, or while employed by certain companies, agencies,
136 commissions, or government organizations exempt under § 56-5 A.

137 B. Electrician limited. An applicant for a County license as electrician limited shall have had
138 at least two years of practical experience related to each of the particular categories of
139 equipment under § 56-7 B for which the applicant is applying.

140 § 56-9 Examinations

141 Except for applicants seeking reciprocity in accordance with § 56-14, the Board shall test
142 applicants by written examination based on the current edition of the National Electrical Code.
143 Examinations shall be conducted under the following rules:

144 A. A separate examination shall be given for each license classification in § 56-7.

145 B. The Board shall administer examinations in January, April, July, and October on dates,
146 times, and at locations determined by the Board at least 30 days prior to the examination.

147 C. At least two members of the Board shall be present during examinations.

148 D. Applicants may use the National Electrical Code during the examination or any other code
149 adopted by the County in effect from time to time.

150 E. The passing score for the examination shall be 70%.

151 F. Applicants failing an examination may be permitted to review their corrected testing papers
152 in the presence of two Board members. Retesting shall be permitted upon reapplication.

153 § 56-10 Insurance and renewal

154
155 A. Insurance. The requirements of this subsection are in addition to the requirements of § 56-6
156 D. No licensee may undertake or perform any electrical work within the County unless they
157 carry or are covered by general liability insurance in the minimum amount of \$300,000 and
158 property damage insurance in the minimum amount of \$100,000, or a combined policy
159 with limits in the minimum amount of \$400,000. No license, regardless of classification,
160 shall be issued or renewed without proof and certification of current insurance for at least
161 these minimum coverages and amounts. The certificate of insurance shall provide for a
162 minimum of ten days prior written notice to the Building Official before any cancellation,
163 expiration, non-renewal, or status change. Licensees shall immediately forward notice of
164 any cancellation, expiration, non-renewal or status change to the Building Official.
165 Licensees who establish inactive license status under § 56-11 are exempt from the
166 insurance requirements of this subsection.

167 B. Renewal. License renewals for all classifications shall be required every two years during
168 the month of July. "Electrician General" licenses issued before August 1, 2009, may be
169 renewed in accordance with the provisions of this section but no new licenses in this
170 classification may be issued. Renewal of licenses in good standing shall be approved upon

171 compliance with requirements for certification of insurance under § 56-10 A and § 56-6 D,
172 and payment of the applicable fee. Failure to renew the license as required by this section
173 shall not deprive any licensee of the right of renewal. However, the fee to be paid for the
174 license renewal after the month of July shall be assessed an additional \$2 for each calendar
175 day, or fraction thereof, that payment of the renewal fee is delayed, up to 90 days, at which
176 time the license will be subject to revocation unless the licensee establishes good cause to
177 the contrary.

178 C. Should any person holding an active master electrician's license desire to represent another
179 applicant as their master electrician, said master electrician shall deposit their license with
180 the Building Official, with a written request for such action by the Building Official, before
181 they may be registered under the license of the represented party. Should the said master
182 electrician cease at any time to represent another applicant under their license, the master
183 electrician's license so deposited will be returned, upon written notification and request to
184 the Building Official. Any master electrician holding a license deposited with the Building
185 Official under this subsection shall be granted a renewal of said license in accordance with
186 § 56-10 B.

187 **§ 56-11 Inactive status**

188 A licensee may file a written request to the Building Official to be placed on inactive status
189 upon payment of the applicable fee. Inactive licensees may maintain and renew their license
190 upon payment of the renewal fee without any requirement to maintain insurance coverage as
191 specified in this Chapter. Licensees on inactive status shall not perform or represent electrical
192 work in the County.

193 **§ 56-12 Permits**

194 No work that requires an electrician's license pursuant to § 56-5, and no work that is to be
195 inspected by the County pursuant to § 56-13, shall be performed without a permit issued by the
196 Building Official. Electrical work performed in municipalities shall be exempt from this
197 requirement.

198 **§ 56-13 Inspections**

199 A. Required. All electrical work and electrical installations performed in the County shall be
200 inspected by the County electrical inspector and certified to be in compliance with the
201 provisions of the National Electrical Code or the electrical code and amendments adopted
202 by the County, as applicable, subject to exemptions set forth below in Paragraph B.

203 B. The following electrical work is exempt from the requirement for a County inspection
204 pursuant to Paragraph A:

205 (1) electrical work that is exempt from the licensing requirement of § 56-5, except for §
206 56-5 A (3);

207 (2) electrical work performed in a municipality; and,

- 208 (3) installation of one single-phase, 20-ampere (or less), electrical circuit,
- 209 C. Applications for electrical inspection, electrical inspections, and certifications of
210 compliance shall be administered by the Building Official.
- 211 D. The County may employ a qualified governmental electrical inspector or hire a certified
212 nongovernmental electrical inspector to perform electrical inspections in the County.
213 Nongovernmental electrical inspectors shall be insured in the minimum amount of
214 \$1,000,000 professional liability coverage.
- 215 E. Applications for electrical inspection shall be signed by the license holder and certify that
216 the electrical installation has been performed by the applicant, by employees or
217 contractors under the applicant's supervision, or under the authority of the applicant's
218 license.
- 219 F. All electrical work to be inspected and certified under the provisions of § 56-13 A shall be
220 inspected only by the County electrical inspector. Failure of the electrical inspector to
221 perform inspections, or omissions or deficiencies by the electrical inspector in performing
222 inspections, shall not relieve any licensed electrician from responsibility to install all
223 electrical work in compliance with the National Electrical Code or the electrical code and
224 amendments adopted by the County, as applicable.

225 **§ 56-14 Reciprocity**

226 Upon receipt of an application with payment of the required fee and proof and certification of
227 insurance as required by this Chapter, and without examination or verification of
228 qualifications, the Building Official shall issue a reciprocal licenses as master electrician or
229 limited electrician, as appropriate, to any person who:

- 230 A. Currently holds a valid license for like classification issued by the State of Maryland or a
231 political subdivision of the State, if the requirements and qualifications for issuance of the
232 applicant's license meet a standard not lower than that specified by this Chapter, the
233 National Electrical Code, or the electrical code and amendments adopted by the County,
234 whichever are higher; and,
- 235 B. The same rights of reciprocity are afforded to licensees of this County by the issuing
236 jurisdiction.

237 **§ 56-15 Suspension or revocation**

- 238 A. Grounds. The Building Official may suspend or revoke a license based on a finding that:
- 239 (1) the license was issued based on false or materially inaccurate information;
- 240 (2) the licensee has performed or permitted the performance of defective or dangerous
241 work;
- 242 (3) the licensee has performed or permitted electrical work without a required permit;

- 243 (4) the licensee has its permitted an unlicensed person to utilize the license to secure a
244 permit from the Building Official or to apply for or obtain a reciprocal license from
245 this County or another jurisdiction;
- 246 (5) securing a permit for the use of an unlicensed person whose work is not done under
247 the licensee's supervision;
- 248 (6) the licensee has requested inspection of work performed in violation of § 56-5.
- 249 (7) the licensee has failed to correct a violation within thirty (30) days after having been
250 notified of the violation by the Building Official; or,
- 251 (8) the licensee has violated the provisions of this Chapter.

252 B. Hearing. Except for a suspension under § 56-6 D, a license may be suspended or revoked
253 only after a hearing before the Building Official and the Board. The Board shall advise
254 the Building Official of its findings and recommendations on (1) the suspension or
255 revocation of licenses; (2) complaints regarding violations of this Chapter, Chapter 28 of
256 this Code, or the electrical code. The Building Official shall have final decision-making
257 authority regarding all such matters. At least 14 days before the hearing, the Building
258 Official shall notify the licensee by certified mail of the nature, time, and place of the
259 alleged violation, the date, hour, and place of the hearing, and the possible penalties. If
260 the Building Official revokes or suspends a license, the licensee shall surrender the
261 license immediately. The Building Official may issue a written warning to the licensee or
262 may provide the opportunity to correct or rectify the violation within a reasonable time.

263 C. Advice of Board. In all matters of suspension and revocation, the Building Official shall
264 seek the advice and guidance of the Board but is not bound by that advice.

265 **§ 56-16 Enforcement**

266 This Chapter shall be enforced in accordance with provisions of this Chapter, Chapter 28, and
267 Chapter 58, Talbot County Code.

268 **§ 56-17 Appeals**

269 Any person aggrieved by any action of the Board or the Building Official in administering any
270 provision of this Chapter may appeal to the Board of Appeals within 30 calendar days of the
271 date of the decision being appealed in accordance with the procedure of the Board of Appeals.
272 In any appeal the decision of the Board and the Building Official shall be presumed to be
273 correct and the burden of going forward with the evidence and the burden of persuasion shall
274 be on the appellant to show error by a preponderance of the evidence.

* * *

SECTION TWO: BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is

amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION THREE: AND BE IT FURTHER ENACTED, That if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County Code or the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FIVE: AND BE IT FURTHER ENACTED, that the following transitional provisions are adopted to assure completion of incomplete electrical inspections performed during any change of electrical inspection agencies or electrical inspectors: inspections that have begun that have been partially completed shall be fully and finally completed by the same inspection agency that performed the initial inspection(s).

SECTION SIX: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage, that adoption of this ordinance shall have no effect on any pending enforcement proceeding or on any pre-existing or pending violations of the Electrical Code, nor shall adoption of this ordinance have any effect on the length or expiration of the existing terms of the sitting members of the Board of Electrical Examiners, which shall continue to be governed by and subject to the terms of their pre-existing appointment(s).

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. _____ having been published, a public hearing was held on _____.

BY THE COUNCIL

Read the third time.

ENACTED _____

By Order _____
Susan W. Moran, Secretary

Pack -

Williams -

Bartlett -

Price -

Callahan -

EFFECTIVE DATE: _____