

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2024 Legislative Session, Legislative Day No.: August 13, 2024

Bill No.: 1578 *AS AMENDED*

Expiration Date: October 17, 2024

Introduced by: Mr. Callahan, Ms. Haythe, Mr. Leshner, Ms. Mielke, Mr. Stepp

A BILL TO AMEND CHAPTER 56 (ELECTRICAL STANDARDS) OF THE TALBOT COUNTY CODE FOR THE PURPOSES OF REQUIRING ELECTRICIANS TO OBTAIN ELECTRICAL PERMITS FROM THE OFFICE OF PERMITS AND INSPECTIONS BEFORE PERFORMING CERTAIN ELECTRICAL WORK, ~~TO DELETE OUTDATED LANGUAGE~~, AND TO INCREASE THE AMOUNT FOR FINES TO BE IMPOSED FOR CERTAIN VIOLATIONS OF CHAPTER 56, AND TO AMEND CHAPTER 58 (ENFORCEMENT OF CODE) FOR THE PURPOSE OF EXEMPTING CHAPTER 56 FROM THE PROVISIONS THEREOF

By the Council: August 13, 2024

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, September 10, 2024, at 5:30 p.m. at the Bradley Meeting Room, Talbot County Courthouse, South Wing, 11 North Washington Street, Easton, Maryland 21601.

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

A BILL TO AMEND CHAPTER 56 (ELECTRICAL STANDARDS) OF THE TALBOT COUNTY CODE FOR THE PURPOSES OF REQUIRING ELECTRICIANS TO OBTAIN ELECTRICAL PERMITS FROM THE OFFICE OF PERMITS AND INSPECTIONS BEFORE PERFORMING CERTAIN ELECTRICAL WORK, ~~TO DELETE OUTDATED LANGUAGE~~, AND TO INCREASE THE AMOUNT FOR FINES TO BE IMPOSED FOR CERTAIN VIOLATIONS OF CHAPTER 56, AND TO AMEND CHAPTER 58 (ENFORCEMENT OF CODE) FOR THE PURPOSE OF EXEMPTING CHAPTER 56 FROM THE PROVISIONS THEREOF

KEY

Boldface	Heading or defined term
<u>Underline</u>	Added to law by Bill
Strikethrough	Deleted from law by Bill
Double Strikethrough	Deleted from Bill by Amendment
* * *	Existing law unaffected

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND that Chapter 56 (Electrical Standards) shall be and is hereby amended as follows:

* * *

§ 56-19. Permits.

A. Permit required. No work for which a certificate of registration or license is required pursuant to § 56-9 or for which an inspection is required pursuant to § 56-16 shall be performed without a permit issued by the Office of Permits and Inspections. The provisions of this section shall not apply to such work performed within a municipal corporation in Talbot County, Maryland.

B. Permit criteria. In order to obtain an electrical permit, an electrician shall:

- (1) Hold the required license or registration, as applicable, for the work to be performed and provide proof thereof; and
- (2) Hold any insurance required pursuant to Md. Code Ann., Business Occupations and Professions § 6-604 and provide proof thereof.
- (3) Additionally, the electrician shall pay a permit fee if required by the County, which fee shall be due at the time of inspection. Failure to pay the permit fee when due may delay inspection.

- B. Before issuing an electrical permit, the County shall provide the applicant with notice of the electrical standards required under this Chapter, any permit fee required by the County, and the date for payment of the same, with which the applicant shall comply.
- C. Upon receipt of the required documentation, the County shall issue the electrical permit; provided, however, that the County may withhold issuing the permit if the County requires issuance of other permits, including a building permit, before the issuance of the electrical permit.

§ 56-20. Violations and penalties.

Any person, persons, firm, agency, corporation, or organization determined, by the Board, to be in violation of any of the provisions of the code shall be subject to the following provisions for process, enforcement, conviction, and penalty for criminal conviction or civil infraction:

- A. Violation. Each item of noncompliance with provisions of the code or notice, by the Board, to correct deficiencies, and each calendar day of occurrence of such noncompliance shall constitute a violation, subject to citation as a separate offense, except when corrective action is in progress in accordance with specific orders of the Board.
- B. Correction. The Board, upon determination of a violation, may order corrective action necessary for compliance with the provisions of the code. Such notice to correct shall be issued in writing, and suitably corrected, within 24 hours of certified receipt of the notice for an emergency violation and within 15 calendar days of certified receipt of the notice for a nonemergency violation. An emergency violation shall be determined as a condition requiring immediate corrective action in order to protect the public health, safety, and welfare in the use and operation of the electrical installation. Costs of ordered corrections shall be borne by the registrant to whom the notice to correct is issued. Failure to respond, or failure to respond adequately, to a notice to correct shall result in the issuance, by the Board, of a citation for violation.
- C. Enforcement. The Board shall be the enforcement authority of the code. As such, the Board may cause to be delivered to the perpetrator a citation which certifies and documents each violation, orders corrections determined to be necessary to abate or mitigate the conditions and circumstances of violation, assesses or seeks applicable fines and penalties as specified herein, and serves notice of the right of trial against the citation for violation.
- D. Penalty:
 - (1) Criminal conviction. The Board shall be empowered to seek, through the District or Circuit Court having venue, criminal conviction of any registrant engaging in activities constituting unlawful violation of the code, resulting in, or related to, a public welfare or safety hazard, under penalty of fine not to exceed \$1,000, or imprisonment not to exceed 30 days, or both, at the discretion of the Court, for each violation.

- (2) Civil infraction. The Board shall be empowered to assess a fine, not to exceed ~~\$100~~ \$500 for an initial violation and not to exceed \$1,000 for each subsequent violation, for each violation cited by the Board as an infraction of the code which does not result in a public welfare or safety hazard as determined by the Board. Any party receiving such citation may seek due process through the District Court having venue, in accordance with the procedure for civil infractions as set forth in the Annotated Code of Maryland. Adjudication of a violation for civil infraction is not a criminal conviction.
- (3) Prosecution. The County Council may authorize the Talbot County Attorney to prosecute any violation, for which there is no, or inadequate, response to a duly executed citation by the Board. Anyone convicted of a cited violation shall be liable for the costs of all associated proceedings.

§ ~~56-20~~ 21. Appeals.

Any person aggrieved by any action of the Board in processing, denying, revoking, suspending, or failing to reissue a certificate of registration or license, or by any action of the Board, or authorized representative or employee of the Board, in administering and enforcing any provision of the code, or by the County's refusal to issue an electrical permit, may appeal therefrom, within 30 calendar days, to the Talbot County Board of Appeals, in accordance with the procedure of the Board of Appeals, as authorized by the Talbot County Charter. The decision of the Board in any matter of appeal shall be prima facie correct, and the burden of proof shall be on the appellant to show before the Board of Appeals that the Board acted contrary to law, fraudulently, arbitrarily, or capriciously, in carrying out the aggrieved action.

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SECTION TWO: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND that Chapter 58 (Enforcement of Code) shall be and is hereby amended as follows:

§ 58-1. Applicability.

The provisions of this chapter apply to every chapter, article, and section of this Code except Chapter 8 (Airport); Chapter 11 (Alcoholic Beverages); Chapter 15 (Animals); Chapter 56 (Electrical Standards); Chapter 102 (Parks and Recreation); Chapter 121 (Public Landings); and Chapter 159 (Smoking and Tobacco Products).

* * *

SECTION THREE: AND BE IT FURTHER ENACTED, that if any provision of this Bill 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 Bill which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County Code and the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Bill, as finally adopted, that are 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 this Bill shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1578 having been published, a public hearing was held on Tuesday, October 8, 2024, at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: **October 8, 2024 *AS AMENDED***

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

Callahan	-	Aye
Stepp	-	Aye
Leshner	-	Aye
Mielke	-	Aye
Haythe	-	Abstain

EFFECTIVE DATE: **December 7, 2024**