

## A LOCAL LAW PROVIDING FOR ELECTRICAL INSTALLATIONS AND INSPECTIONS

Local Law \_\_\_\_\_ of 2015.

Be it enacted by the Board of Trustees of the Village of Wellsville, in the County of Allegany, as follows:

### SECTION 1. PURPOSE AND INTENT

The Village of Wellsville, being responsible for the enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and recognizing that the Uniform Code provides minimum standards for the design, installation and location of electrical wiring, systems and equipment operating on 50 volts or more, wishes to more fully implement these provisions and facilitate their enforcement.

### SECTION 2. DEFINITIONS

In this local law:

“Village” shall mean the Village of Wellsville, Allegany County, New York.

“Inspector” shall mean electrical inspector.

“National Electrical Code” shall mean the latest version of the National Electric Code (NEC) that has been adopted by New York State under the provisions of the Uniform Code.

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### SECTION 3. ELECTRICAL PERMITS/INSPECTIONS REQUIRED

The Village will not re-energize an electrical service that has been terminated for more than 30 days without an inspection by a Village approved certified electrical inspector.

For any electrical work that requires a permit an application must be filed detailing the scope of work to be performed and the permit must be issued by the Code Enforcement Officer prior to the start of any work.

### SECTION 4. BOARD TO DESIGNATE APPROVED ELECTRICAL INSPECTION FIRMS

- A. The Village Board of Wellsville may from time to time by resolution approve independent electrical inspection firms to see that the properties and construction in the Village of Wellsville conform to the Uniform Code and local laws, rules and regulations, as the Village of Wellsville shall make applicable.
- B. The approved independent electrical inspection firms shall be those:

- (1) That file with and keep in force a \$1,000,000. liability policy issued by a company licensed to do business in New York State. The liability policy shall name the Village as an additional insured and by shall its terms protect the Village from any and all liability, active or passive, or claims or causes of action for personal injury or property damage which arise out of the actions of a member or representative of the approved electrical inspection firm performing electrical inspection in the Village for or on behalf of the Village or to enforce code compliance with the Uniform Code and applicable standards of this code or any other code.
- (2) That have the approval of the electrical utility serving the Village of Wellsville, Allegany County, New York State.
- (3) That in the sole opinion of the Village Board, maintain a suitable office and ample, trained staff to service the Village and its residents.
- (4) That, in sole opinion of the Village Board, has performed satisfactorily in services rendered in the Village.
- (5) That has an accreditation as an approved electrical inspection firm.
- (6) That maintains a current list of employees on file with the Village.

#### SECTION 5. INSPECTOR TO ACT AS VILLAGE AGENT

Each of the duly appointed inspectors of any approved electrical inspection firm are hereby authorized and deputized as agents of the Village to make inspections and reinspections of all electrical installations hereinafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such of inspections or reinspections be charged against the Village. The name of each inspector who may perform service in the Village shall be filed with the Village Code Enforcement Officer, together with his name and address. Such filing shall be kept current at all times by the approved electrical inspection firm. The list shall include and address and telephone number for each inspector, and shall be furnished and signed by an officer of the electrical inspection firm.

#### SECTION 6. DUTIES OF INSPECTORS

- A. It shall be the duty of the inspector(s) to report to the Village Code Enforcement Officer all violations of or deviations from or omissions of the electrical provisions of the Uniform Code and the local laws, ordinances, rules and regulations of the Village. The inspector shall make inspections and reinspections of electrical installations in and on properties in the Village upon the written request of the property owner or Village Code Enforcement Officer or as herein provided.
- B. The inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, appliances and equipment in and on properties with in the Village where he deems it necessary for the protection of life and property.

- C. In the event of an emergency, it is the duty of the inspector to make electrical inspections upon the oral request of an official or officer of the Village.
- D. It shall be the duty of the inspector to furnish written reports to the proper officials of the Village and owners and/or lessees of the property where the defective electrical installations and equipment are found upon inspection.
- E. The inspector shall authorize the issuing of a Certificate of Compliance when the electrical installations and equipment are in conformity with the Uniform Code and with the local laws, ordinances, rules and regulations of the Village and he shall direct that a copy of the Certificate of Compliance be sent to the Village Code Enforcement Officer.
- F. The inspector shall authorize the issuing of a Notice of Non-Compliance when the electrical installations and equipment are not in conformity with the Uniform Code and with the local laws, ordinances, rules and regulations of the Village.
  - a) He shall direct that a copy of the Notice of Non-Compliance be sent to the Village Code Enforcement Officer, to the owner of record as shown by the Village Tax Roll, and to any lessee or occupant of the property, or in lieu thereof, post the Notice of Non-Compliance conspicuously on the premises.
  - b) Actual notice by any such person of the issuance of the certificate of Non-Compliance shall constitute full satisfaction of notice requirements. Failure to receive the notice of Non-Compliance shall not invalidate the Notice or any action taken pursuant thereto.
  - c) Non-Compliance Notices shall contain the following information:
    - 1. the identity of the property where the non-compliance exists;
    - 2. specifications of each instance of non-compliance;
    - 3. the remedial action required to cure each instance of non-compliance;
    - 4. a reasonable time for compliance not to exceed thirty days. Extensions may be granted by the Inspector after consultation with the Code Enforcement Officer; and,
    - 5. that electrical service will be terminated if remedial action is not taken within the time frame specified.
- G. Where the inspector finds that any violation poses an imminent danger to life or property he may order immediate compliance and in such case, may order immediate termination of the electrical services to the premises.

## SECTION 7. REINSECTIONS/REEVALUATION

Any situation for which a Certificate of Compliance has been issued is subject to reevaluation and reinspection which may result in the issue of a Notice of Non-Compliance.

## SECTION 8. INSPECTION FEES

Any and all fees shall be payable by the owner of the facilities inspected.

## SECTION 9. SCHEDULE OF RATES

The schedule of rates charged for inspection shall be filed with the Village Clerk and the Village Code Enforcement Officer. In no event may a fee be charged in excess of the rates on file at the time of the inspection or reinspection.

## SECTION 10. NO WAIVER OR ASSUMPTION OF LIABILITY

This local law shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliance, or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Village, its Code Enforcement Officer, or the electrical inspector be deemed to have assumed any such liability by reason of any inspection made pursuant to this local law.

## SECTION 11. PENALTIES FOR OFFENSES

Any installation or alteration of an electrical system or electrical wiring that is covered and regulated by the provisions of the 19NYCRR, Building Code of NYS, National Electric Code, or the Code of the Village of Wellsville, without the issuance of a Permit and subsequent issuance of Certificate of Compliance as hereinabove provided shall be in violation of this local law. Any person, firm or corporation who shall violate the provisions of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine as established by resolution the Board of Trustees or imprisonment for a term not of not more than 15 days. Each day such violation continues shall constitute a separate violation. The imposition of such penalty shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including immediate application for an injunction.

## SECTION 12. PROVISIONS NOT APPLICABLE IN CERTAIN CIRCUMSTANCES

The provisions of this local law shall not apply to the electrical installations in mines, ships, railway cars, automotive equipment, or the installations or equipment employed by railway, electrical or communication utilities in the exercise of their function as utilities, and located outdoors or in buildings used exclusively for that purpose. This local law shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as its principal business.

## SECTION 13. SEVERABILITY

If any clause, sentence, paragraph, section or article of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

## SECTION 14. EFFECTIVE DATE

This law shall be effective upon filing with the Secretary of State.