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COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND

2008 Legislative Session,
Legislative Day No. 2, February 5, 2008

Introduced By: County Council

BILL NO. 2008 - 2

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND PURSUANT TO ARTICLE 25A, SECTION 5(S) AND ARTICLE 25A, SECTION 5(T) OF THE ANNOTATED CODE OF MARYLAND REPEALING AND REENACTING CHAPTER 82 ENTITLED "ELECTRICAL STANDARDS" OF THE DORCHESTER COUNTY CODE, PROVIDING FOR THE CREATION OF A BOARD OF ELECTRICAL EXAMINERS FOR DORCHESTER COUNTY, TO PROVIDE FOR QUALIFICATIONS AND LICENSING OF VARIOUS CLASSIFICATIONS OF ELECTRICIANS, DEFINING THE DUTIES AND POWERS OF THE ELECTRICAL INSPECTORS INCLUDING PERMITS AND REGISTRATIONS AND PROVIDING FOR THE CREATION OF THE POSITION OF CODE OFFICIAL, PROVIDING FOR APPEALS TO THE BOARD OF BUILDING APPEALS AND PROVIDING THAT VIOLATIONS OF THIS CHAPTER ARE CIVIL INFRACTIONS AND FOR THE PURPOSE OF ADOPTING THE "NATIONAL ELECTRICAL CODE" AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION AS STANDARD FOR SUCH ELECTRICAL WORK.

Introduced, read first time, ordered posted on official bulletin board of County, County Office Building, 501 Court Lane, Cambridge, Maryland, 21613.

Ordered publication for once a week for two (2) successive weeks, and public hearing scheduled on Tuesday, February 19, 2008, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:45 p.m.

By order: Jane Baynard
Jane Baynard, County Manager

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OF
DORCHESTER COUNTY, MARYLAND

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SECTION ONE: Acting under Article 25A, Section 5(T) and Section 5(S) of The Annotated Code of Maryland (the "Acts"), be it ENACTED and ORDAINED by the County Council of Dorchester County Maryland that Chapter 82, entitled "Electrical Standards" be repealed and reenacted to read as follows:

ELECTRICAL STANDARDS

CHAPTER 82

- § 82.1 Title.
- § 82.2 Adoption of standards by reference.
- § 82.3 Establishment of Board of Electrical Examiners.
- § 82.4 Removal of Board members.
- § 82.5 Receipts, disbursements and compensations.

- § 82.6 Organization and officers.
- § 82.7 Rules and regulations; seal.
- § 82.8 Records and reports.
- § 82.9 Legal advisors.
- § 82.10 Registration required to engage in electrical wiring business.
- § 82.11 Exemptions to registration requirements.
- § 82.12 Applications.
- § 82.13 County residents presently engaged in established electrical business.
- § 82.14 Qualifications of application for registration.
- § 82.15 Qualifications for electrical inspection agencies.
- § 82.16 Examinations.
- § 82.17 Fees and bond.
- § 82.18 Revocations.
- § 82.19 Reciprocity.
- § 82.20 Dispensing of the Certificate of Registration.
- § 82.21 Code Official.
- § 82.22 Position of Code Official Established.
- § 82.23 Permits and Inspections.
- § 82.24 Permit to Work Within an Easement.
- § 82.25 Appeals to the Board of Building Appeals.
- § 82.26 Appeals to Court.
- § 82.27 Civil Infractions; Violations and Penalties.

§ 82.1 TITLE.

This chapter shall be known as the "Dorchester County Electrical Code."

§ 82.2 ADOPTION OF STANDARDS BY REFERENCE.

The National Electrical Code, as published by the National Fire Protection Association as the standards for electrical work, is hereby adopted as the minimum standards for electrical work in Dorchester County, and those standards are incorporated herein by reference.

§ 82.3 ESTABLISHMENT OF BOARD OF ELECTRICAL EXAMINERS.

The County Council of Dorchester County shall appoint a board, which Board shall be known as the "Board of Electrical Examiners of Dorchester County"

(hereinafter referred to as the "Board"), and which shall be established in accordance with the following provisions:

- A. There shall be five members of the Board; two of whom shall be electricians currently engaged in the electrical contracting business for at least five years prior to this appointment; one of whom shall be a County employee. The two other board members shall be appointed at the discretion of the County Council of Dorchester County. All shall be residents of Dorchester County, Maryland.
- B. Members of the Board shall be appointed by the County Council of Dorchester County.
- C. The initial term shall be one term of one year; two terms of two years and two terms of three years. Subsequent to the initial term, all terms shall be three years.

§ 82.4 REMOVAL OF BOARD MEMBERS.

The County Council of Dorchester County may remove any member of the Board from office upon written charges after an opportunity to be heard by such member to be removed for misconduct, incompetency, neglect of duty or other sufficient cause.

§ 82.5 RECEIPTS, DISBURSEMENTS, COMPENSATION AND BUDGET POLICIES.

- A. All money received by the Board shall be paid daily to the Director of Finance and shall be credited to the general fund of the County.
- B. All disbursements made by the Board for expenses or other authorized expenditures shall be paid by the Director of Finance from receipts on vouchers signed by the President and attested by the Secretary-Treasurer of the Board.
- C. The Secretary-Treasurer of the Board shall give surety bond to the County in such sum as the County Council of Dorchester County may determine. The premium on such bond shall be regarded as a proper and necessary expense of the Board.
- D. Members of the Board shall receive such allowance for expenses and such compensation as the County Council shall, from time to time, determine.
- E. The Board shall be subject to the budget and fiscal policies of the County Council.

§ 82.6 ORGANIZATION AND OFFICERS.

The Board shall hold an organizational meeting and annually elect a Chairman and two Vice-Chairman and a Secretary-Treasurer. The Board shall adopt rules of procedure to govern meetings of the Board and shall hold such meetings as the Chairman shall determine necessary and proper for the Board to carry out its prescribed duties.

§ 82.7 RULES AND REGULATIONS; SEAL.

- A. The Board may adopt and amend all rules and regulations not inconsistent with the Constitution, laws and ordinances of this state

and County which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it.

- B. The Board shall adopt and have an official seal.
- C. In carrying into effect the provisions of this chapter, the Board, under the hand of its President and the seal of the Board, may subpoena witnesses and compel their attendance and also may require the production of papers or documents in any case involving the revocation of registration or practicing or offering to practice without registration.
- D. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.
- E. If any person refuses to obey a subpoena so issued or refuses to testify or produce any books, papers or documents, the Board may present its petition to the Circuit Court for Dorchester County setting forth the facts. Thereupon the Court shall, in a proper case, issue its subpoena to such person requiring his attendance before such Court and there to testify or produce such papers and documents as may be deemed necessary and pertinent by the Board. Any person failing or refusing to obey the subpoena or order of the Court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the Circuit Court.

§ 82.8 RECORDS AND REPORTS.

- A. The Board shall keep a record of its proceedings and a register of all applications for registration, which register shall show as a minimum but not be limited to:
 - (1) The name, age and residence of each applicant.
 - (2) The date of the application.
 - (3) The place of business of such applicant.
 - (4) The qualifications of the applicant.
 - (5) Whether or not an examination was required.
 - (6) Whether the applicant was rejected.
 - (7) Whether a certificate of registration was granted.
 - (8) The date of the action of the Board.
 - (9) Such other information as may be deemed necessary by the Board.
- B. The records of the Board shall be prima facie evidence to proceedings of the Board set forth therein. A transcript thereof, duly certified by the Secretary-Treasurer of the Board, under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

§ 82.9 LEGAL ADVISORS.

The Attorney to the County Council of Dorchester County shall act as legal advisor of the Board, and render such legal assistance as may be necessary in carrying out the provisions of this chapter.

§ 82.10 REGISTRATION REQUIRED TO ENGAGE IN ELECTRICAL WIRING BUSINESS.

No person, firm or corporation shall install, repair, maintain or erect any kind of electrical wiring, conduits, motors, fixtures, signs, electrically operated or controlled heating equipment, air conditioner, elevators, or any other electrically operated apparatus or device in or about any premises in Dorchester County, Maryland, without having first obtained a certificate of registration as required by these regulations, except those specifically exempted under § 82.11.

§ 82.11 EXEMPTIONS TO REGISTRATION REQUIREMENTS.

The following exemptions are permissible.

- A. Electric light and power companies, railway companies, telephone companies, telegraph companies or cable television companies, or persons performing electrical work of any such companies, when such work is a part of the plant or services of such company in rendering its authorized service to the public.
- B. Employees engaged in maintenance and repair or reconstruction as pertains to daily production or operations of electrical equipment in the factory or on the farm premises of their employer.
- C. Any person doing electrical work in a single-family dwelling used exclusively for living purposes, or related outbuildings and garages, provided that person is a bona fide owner and occupant of such dwelling for a period of six months immediately following completion and said owner and occupant purchase all materials and personally performs all labor, in connection therewith, except that such personal work is not relieved of the permits as required by § 82.23.
- D. Employees of those registered as master electrician, electrician general or electrician limited when engaged in the performance of their duties under the supervision of their employer.
- E. Bona fide members of the active volunteer fire companies, the ambulance companies and/or rescue squads in Dorchester County while engaged in maintenance, repair, construction or reconstruction of electrical equipment relating to daily operations of the fire companies.
- F. Construction, reconstruction, maintenance, or repair of any state or federal installations.
- G. Insertion (plug-in) of devices or appliances, which are designed for such insertion and insertion devices are installed.

§ 82.12 APPLICATIONS.

Applications for registration may be obtained from the Board. An applicant must state that he is applying for one of the following registrations:

- A. **Master electrician:** any person engaged in or holding himself out to the public as engaged in the business of installing, erecting or repairing; or contracting to install, erect or repair electric conductors to be used for the transmission of electric current for electric light, heat or power purposes; or mouldings, ducts, raceways, or conduits for the reception of such conductors; or to electrical machinery, apparatus, devices or fixtures to be used for electric lights, heat or power purposes; or planning, estimating, laying out and supervising such electrical work.
- B. **Electrician general:** any person engaged only in (1) single-phase residential house wiring limited to a single-family dwelling not to exceed 200 amp and/or (2) commercial wiring limited to the installation of three-phase circuits 120-208, not exceeding 60 amperes, in an existing commercial structure.
- C. **Electrician limited:** a person engaged in the installation of equipment and control wiring not to exceed 120-240 single-phase 60 amp or less of not more than two of the following categories of equipment or facilities:
 - (1) Electrically operated heating and/or air-conditioning equipment;
 - (2) Electrically operated refrigeration equipment;
 - (3) Electrically operated elevators;
 - (4) Electrically operated fire alarm or detecting systems, CATV/CCTV, sound/video;
 - (5) Electrically operated appliances.

§ 82.13 COUNTY RESIDENTS PRESENTLY ENGAGED IN ESTABLISHED ELECTRICAL BUSINESS.

- A. Any person engaged in a full-time established contracting electrical business in Dorchester County currently holding a Certificate of Registration prior to the effective date of this chapter will be granted an electric license in the same category as that which they were conducting business prior to the aforementioned date, providing they register and obtain a license within 90 days from the date of enactment of this chapter. In the event of a question as to which category of license (master, general or electrical limited) should be issued, the Board of Electrical Examiners will make the decision, which decision will be final.
- B. Any self-employed part-time electrician who is engaged in an established electrical business, as determined by previous electrical inspections, may at the discretion of the Board be granted a license.

§ 82.14 QUALIFICATIONS OF APPLICANT FOR REGISTRATION.

Applicants for all grades shall submit proper evidence that they are qualified. Minimum evidence to satisfactorily support application shall be as follows:

- A. **For master electrician:** must have had at least four years of practical training in the fields of work outlined for master

electrician in § 82.12. Training in a technical school or college may be substituted for not more than two years of this requirement.

- B. **For electrician general:** must have had at least three years of practical experience in the fields of work outlined in § 82.12. Training in a technical school or college may be substituted for not more than one year of this requirement.
- C. **For electrician limited:** limited electrician shall have had at least two years practical experience related to the particular types of equipment for which he is applying. Training in a technical school or college may be substituted for not more than one year of this requirement.

§ 82.15 QUALIFICATIONS FOR ELECTRICAL INSPECTION AGENCIES.

Electrical inspection agencies shall be approved and licensed by the Board to perform inspections in Dorchester County. Inspectors shall hold an approved state license and be registered with the Dorchester County Board before performing any inspections in the County.

§ 82.16 EXAMINATIONS.

The Board is required to determine that applicants have the knowledge and skills required to perform the duties of the various grades of registered electricians. It is the option of the Board to conduct examinations, oral or written, based on the National Electrical Code and the Dorchester County Electrical Code to determine qualifications. When used, examinations shall be conducted under the following rules:

- A. A grade of 70% or above will be deemed a passing mark.
- B. At least two members of the Board shall be present during the examination.
- C. The use of the National Electric Code Book by the applicant will be permitted during the examination.
- D. An applicant failing an examination may, upon request, be permitted to examine his corrected examination papers in the presence of two Board members and may apply for re-examination.
- E. Applications for examination shall be charged a fee as determined from time to time by the Board of County Commissioners.
- F. Non-programmable calculators may be used during the exam.
- G. Testing shall be required for all licenses issued by Dorchester County.

§ 82.17 FEES AND BOND.

- A. The County Council of Dorchester County shall establish a schedule of fees for all licenses or permits required by this chapter. Fees for licenses and permits under this chapter may be altered or amended from time to time without a public hearing only by the County Council of Dorchester County upon the recommendations of the Board of Electrical Examiners.
- B. Renewal maybe effected at any time during the month of June by payment of the annual fee, which shall be equal to the original cost

for such class of certification of registration. The failure on the part of any registrant to renew his certificate annually in the month of June, as required by this section, shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of June shall be increased \$2 for each day or fraction of a day that payment of renewal fee is delayed, up to 90 days, at which time the license will be cancelled at the discretion of the Board.

- C. Should any person holding a master electrician's license desire to be the representative under another license issued to, or to be issued to, any person, he shall deposit his license with the Board before he is duly registered under said license.
- D. Should the master electrician cease at any time to be a representative under such a license and so notify the Board in writing, his license so deposited will be returned to him, provided he has not violated the rules of the Board.
- E. Any master electrician holding a license deposited with the Board shall be granted a renewal of said license, provided application for renewal is made to the Board in accordance with § 82.17B.
- F. Applicants who have successfully qualified for a certificate of registration shall furnish a bond acceptable to the Board in the name of Dorchester County in the sum of \$5,000. for master electrician, \$3,000. for electrician general and \$2,000. for electrician limited before a registration certificate or renewal certificate will be issued. This bond is to ensure the faithful performance of work contracted for, services rendered or against loss, damage or injury through want of skill or negligence resulting from the work of the registrant within one year of the performance of the work. Bonds are not required for shelved licenses.

§ 82.18 REVOCATIONS.

- A. The Board may revoke the certificate of registration of any registrant who is found guilty of:
 - (1) The practice of any fraud or deceit in obtaining a certificate of registration;
 - (2) Any gross negligence, incompetency or misconduct in supply material or performing services as an electrical contractor;
 - (3) Permitting or causing defective electrical work, if done deliberately or if not corrected within 15 days, or longer if necessary at the discretion of the Board, following notice thereof by the Board.
- B. Any person may prefer charges of fraud, deceit, gross negligence or misconduct against any registrant. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the Secretary-Treasurer of the Board.
- C. All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been filed with the Board.
- D. The time and place for the hearing shall be fixed by the Board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served or mailed to the last known

address of the registrant, at least 30 days before the date fixed for the hearing. At any hearing the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him and to produce evidence and witnesses in his own defense. If, after such hearing, three or more members of the Board vote in favor of finding the accused guilty, the Board may suspend or revoke the certificate of registration of such registrant.

- E. No licensed contractor, licensed with this Board, will be permitted to supervise work that has not been contracted for by him or contracted for by a company that he is the representative for. Penalty for violation of this section shall be that the Board may suspend or revoke the current license of the electrician.

§ 82.19 RECIPROCITY.

The Board shall, upon application therefor and the payment of the regular fee and without examination, issue a certificate of registration as master electrician, electrician general or electrician limited to any person who holds a certificate of qualification or registration or district of the United States, or of any country, provided that the requirements where the aforesaid registration was issued do not conflict with the provisions of this chapter and are of a standard not lower than that specified in this chapter for the classification to be issued by this Board and further provided that the same rights are given to electrical contractors of this County.

§ 82.20 DISPENSING OF THE CERTIFICATE OF REGISTRATION.

All persons receiving a certificate of registration shall plainly display on the vehicle(s) used in the performance of their work the registration number assigned to them.

§ 82.21 CODE OFFICIAL.

The Code Official is that person designated by the County Council of Dorchester County, Maryland and charged with the administration and enforcement of permitting provisions of this chapter.

§ 82.22 POSITION OF CODE OFFICIAL ESTABLISHED.

A. **Creation of the Position**

There is hereby established the position of Code Official. The County Council of Dorchester County, Maryland (The "County Council") shall appoint a Code Official to administer and enforce the permitting provisions of this chapter.

B. **Administration and Enforcement**

- (1) The permitting provisions of this chapter shall be administered and enforced by the Code Official. The Code Official may be provided with the assistance of such other persons as the County Council may direct, and he may delegate, upon the approval of the County Manager, such duties and responsibilities in connection with the administration and enforcement of this chapter as are appropriate, in his judgment.

- (2) The Code Official shall have the authority to issue permits under this chapter. The Code Official shall have the authority to revoke any permit issued under this chapter for cause.

§ 82.23 PERMITS AND INSPECTIONS.

- A. Any person permitted to install new electrical work must first secure a County permit to do so from the Code Official. The fee for the permit shall be determined by the County Council.
- B. The recognized inspection authorities shall be those designated by the Board of Electrical Examiners.
- C. The County permit shall be followed by the filing of an application for electrical inspection with the inspection authority as that authority requires in accordance with its rules and regulations.
- D. An applicant signing inspection applications will in effect certify that electrical installation has been done by him, or by employees under his supervision. Applications for electrical inspection will contain a complete listing of wiring and equipment for which inspection is required.
- E. A minor electrical installation is the installation of one single-phase, fifteen-ampere (or less) electrical power-consuming outlet and is exempt from the permit and inspection requirements.
- F. Inspection shall be by recognized inspectors in accordance with § 82.15. The electrical inspectors shall make all inspections within two workdays of the receipt of application for inspection.
- G. Electrical fences. An electrical permit is required for all electric fence installation and must be issued by the Board of Electrical Examiners of Dorchester County prior to the installation of electric fences. Installation of electrical fences must be inspected by a recognized electrical inspection agency approved by the County. Electric fences shall be UL (Underwriter Laboratories) labeled. Warning signs shall be posted by the property owner where the public has access to the property where an electrical fence has been installed.

§ 82.24 PERMIT TO WORK WITHIN AN EASEMENT.

Where there is an easement appurtenant to land and property, valid on its face, the use of the easement by the dominant owner shall not be subject to the consent of the servient owner in any permitting process under this chapter.

§ 82.25 APPEALS TO THE BOARD OF BUILDING APPEALS.

A. **Board of Building Appeals**

The Board of Building Appeals, constituted under Chapter 65 entitled "Building Code, Section 65-4(F) and Section 65-4(G) of the Dorchester County Code is hereby granted the authority to hear and to decide appeals from decisions of the Board of Electrical Examiners and from decisions from the Code Official under this chapter.

B. Appeal

Any person allegedly aggrieved by any decision of the Board of Electrical Examiners or any decision of the Code Official in the administration or enforcement of this chapter may file an appeal with the Board of Building Appeals.

This shall be the exclusive procedure to file an appeal from a decision of the Board of Electrical Examiners or from a decision of the Code Official.

C. Rules/Regulations/Procedures

The rules, regulations and procedures of the Board of Building Appeals under Chapter 65 of the Dorchester County Code shall apply to appeals under this chapter.

§ 82.26 APPEALS TO COURTS.

A. Time Limit for Appeal

Any person allegedly aggrieved by any decision of the Board of Building Appeals may appeal the same to the Circuit Court of Dorchester County within 30 days of the notification of the decision

B. Stays

The filing of an appeal does not stay an order or action of the Board of Building Appeals. Upon motion and after hearing the Court may grant a stay, unless prohibited by law, upon conditions as to bond or otherwise that the Court considers proper.

C. Cost of transcript

The appellant shall be responsible for paying the expense of transcription.

D. Liability of Board of Building Appeals for costs

Costs shall not be allowed against the Board of Building Appeals unless it shall appear to the Circuit Court that the Board of Building Appeals acted with gross negligence or in bad faith or with malice in making the decision appealed from.

§ 82.27 CIVIL INFRACTIONS; VIOLATIONS AND PENALTIES.

Any person who violates any part of this chapter shall be guilty of a civil infraction under the authority of Chapter 147 of the Dorchester County Code. The maximum civil penalty for each violation of this chapter shall be \$1,000. Each new day may constitute a separate violation. An occurrence may contain more than one offense.

SECTION TWO: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND that General Code Publishers is directed to codify new Chapter 82 of the Dorchester County Code accordingly.

SECTION THREE: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2008-_____ of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

MEER0005 FOLIO 0620

PASSED this 19th day of FEBRUARY, 2008.

ATTEST:

COUNTY COUNCIL OF
DORCHESTER COUNTY,
MARYLAND

BY: Jane Baynard
Jane Baynard, County Manager

William V. Nichols
Williams V. Nichols, President

APPROVED this 19th day of FEBRUARY, 2008.

ATTEST:

COUNTY COUNCIL OF
DORCHESTER COUNTY,
MARYLAND

BY: Jane Baynard
Jane Baynard, County Manager

William V. Nichols
Williams V. Nichols, President

Nichols - aye
Newcomb - aye
Elzey - aye
Price - aye
Travers - aye

C:ElecCode.Bill/mlh