

Electrical Safety Ordinance



southburlington

VERMONT

Adopted July 6, 2015

Effective July 6, 2015

CITY CLERK'S OFFICE

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Of So. Burlington Land Records
Attest: *Donna Kinville*

Donna S. Kinville, City Clerk

Re-recorded

CITY CLERK'S OFFICE

Received July 7 2015 at 12⁵⁵ PM
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Attest: *Donna Kinville*

Donna S. Kinville, City Clerk

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The City Council of the City of South Burlington hereby ordains:

1. Authority and Purpose

This Ordinance is enacted by the City Council under the authority granted in 20 V.S.A. Section 2736, 24 V.S.A. Section 1033, 26 V.S.A. Section 898, and the South Burlington City Charter. The purpose of this Ordinance is to reduce, insofar as possible, the hazards to persons and property from the use of electricity within the City of South Burlington and thereby promote the public health, safety, welfare and convenience. This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

2. Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code The Vermont Electrical Safety Rules as adopted by the Commissioner of the Vermont Department of Public Safety and the Vermont Electricians Licensing Board for new and existing buildings, as amended from time to time.

Electrical Inspector The individual appointed by the City Manager, with the consent of the City Council, to perform the electrical inspection and enforcement functions of the South Burlington Fire Department under this Ordinance and an Inspection Agreement between the State of Vermont Department of Public Safety, Division of Fire Safety and the City of South Burlington, executed pursuant to 26 V.S.A. Section 898.

Complex Structure The term "Complex Structure" shall have the same meaning as the term "public building" as defined in 26 V.S.A. Section 881(3) and shall be interpreted and applied consistently with the interpretation and application given the term Complex Structure by the Vermont Department of Public Safety, Division of Fire Safety under 26 V.S.A. Chapter 15 and the Vermont Electrical Safety Rules.

3. Installation of Electrical Wiring, Permit Required

No wiring or equipment for the transmission, distribution or utilization of electricity for any purpose, shall be installed within or on any Complex Structure nor shall any alterations or additions be made on any existing wiring or equipment within or on any Complex Structure until a permit is issued by the Electrical Inspector. No permit shall be required for:

- (1) the connection of portable devices to suitable receptacles which have been permanently installed, or
- (2) the installation, maintenance of equipment to be installed by or for a public utility or public service corporation for the use of such utility or corporation in the generation, transmission, distribution or metering of electric energy.

4. Application

Application for a permit required by this Ordinance shall be made in writing to the Electrical Inspector on forms furnished by him to the person, firm or corporation doing or installing the work and the permit, if granted, shall be issued to such applicant. The application shall describe the work to be done and the location thereof, and shall be accompanied by plans and specifications as required by the Electrical Inspector.

5. Issuance of Permit; Duration of Permit

If the Electrical Inspector finds that the work described in such application conforms with the provisions of this Ordinance and the Code, the Electrical Inspector shall issue a permit. Such permits shall be valid for three (3) years from the date of issuance. The Electrical Inspector shall have the discretion to approve extensions of time beyond the three-year limit provided that all extensions are in writing and are for a specified duration.

6. Wiring Installed Without a Permit

Whenever any electrical work or wiring is found to have been installed without a permit where one is required, the Electrical Inspector is authorized to cut the wires, remove fuses, disconnect the switches or otherwise make the specific circuit or system inoperative until a permit has been secured from the Electrical Inspector.

7. Inspection of Work, Notice of Defective Work

A person performing work under a permit, or their authorized representative, shall notify the Electrical Inspector and request an inspection of the work being done. The Electrical Inspector shall inspect all electrical wiring and equipment installed under such permits, with the holder of such permit or a representative who holds a Vermont electrical license. If upon inspection the work is found not to comply with the provisions of this Ordinance and the Code, the Electrical Inspector shall notify the person performing the work, stating the defects that have been found to exist. The Electrical Inspector shall determine the number of inspections he deems necessary.

8. Inspection of Concealed Wiring

When any part of an electrical installation will be concealed from view by the permanent placement of parts of the Complex Structure, the person installing the wiring shall notify the Electrical Inspector and such parts of the wiring installation shall not be concealed until seventy-two (72) hours, exclusive of Saturdays, Sundays and legal holidays, shall have elapsed from the time of such notification so that the Electrical inspector can inspect the installation; provided, that on large installations where the concealment of parts of the wiring proceeds continuously, the person installing the wiring shall give the Electrical Inspector due notice.

9. Certificate of Approval

If upon inspection the work is found to comply with the provisions of this Ordinance and the Code, the Electrical Inspector shall complete a certificate of approval for such work authorizing connection to the source of supply for final testing and use of the installation. The Electrical Inspector shall also notify the

public utility furnishing service of such authorization. A temporary certificate of approval may be issued authorizing the connection and use of certain portions of an incomplete installation and such temporary certificate of approval shall be revocable at the discretion of the Electrical Inspector.

10. Connection to Energy Sources Prohibited Until Certificate of Approval Issued

(A) Except in cases of emergency, it shall be unlawful for any person to make connection from a source of energy to any electric wiring or equipment for the installation of which a permit is required until a certificate of approval has been issued by the Electrical Inspector, authorizing such connection.

(B) It shall be unlawful for any person to make connection from a source of electrical energy to any electric wiring or equipment which has been disconnected or ordered to be disconnected by the Electrical Inspector or the use of which has been ordered by the Electrical Inspector to be discontinued, until a certificate of approval has been issued by him authorizing the reconnection and use of such wiring or equipment. Where emergency work is done, the Electrical Inspector shall be notified as soon as possible and shall inspect such work.

(C) No public utility shall furnish any electrical service to any person until notified that the work has been approved and that a certificate of approval has been issued by the Electrical Inspector.

11. Sale or Occupancy of a Structure Without Certificate of Approval

No Complex Structure containing any electric wiring or equipment for the installation of which a permit is required, may be sold or conveyed for use or occupancy without first securing a certificate of approval issued by the Electrical Inspector.

12. Re-inspection; Notice of Unsafe Conditions

The Electrical Inspector may make periodically a re-inspection of the installations of all electrical wiring and equipment now or hereafter installed within the City and within the scope of this Ordinance and when such wiring or equipment is found to be in a dangerous or unsafe condition, the owner of the premises or his agent shall be notified of such condition and shall make such repairs or changes as are necessary to put such wiring or equipment in a safe and proper condition. Such repairs or changes shall be completed within fifteen (15) days from the date of notice or within such other period of time as may be designated by the Electrical Inspector in the notice.

13. Appeals

Any person aggrieved by an order or action of the Electrical Inspector may appeal to the Commissioner of the Vermont Department of Public Safety in accordance with 26 V.S.A. 898(f).

14. Duties of the Electrical Inspector

It shall be the duty of the Electrical Inspector to see that the provisions of this Ordinance and the Code are enforced. The Electrical Inspector shall upon application of a licensed electrician, or a homeowner in his own dwelling, grant permits for the installation or alteration of electrical wiring and equipment on, over or under a street or building within the City and shall require the same to be erected in accordance with the Code. The Electrical Inspector shall keep an accurate record of all proceedings and report the same to the Chief of the South Burlington Fire Department.

15. Authority Granted to the Inspector

The Electrical Inspector shall have the right, during reasonable hours, to enter any Complex Structure in the discharge of his official duties, or for the purpose of making any inspection, re-inspection or test of the installation of electric wires and equipment contained therein and shall have the authority to disconnect any wiring in cases of emergency where necessary for safety to life or property. The Electrical Inspector is hereby empowered to order the discontinuance of electrical service to any electric wiring and equipment found to be dangerous to life or property until such wiring or equipment has been made safe.

16. Licenses

No person shall engage in or conduct the business of installing or repairing electrical wiring, devices, appliances or equipment within the City of South Burlington unless he has been granted a master license by the State of Vermont, provided, however, that a license shall not be required for those electrical installations as defined in 26 V.S.A. Section 910. No licensed master electrician shall permit any person employed by him or her to install, alter or repair electrical wiring, fixtures or apparatus unless such person is licensed hereunder to do the particular work or registered as an apprentice and working under the direct supervision of one who holds a current master or journeyman electrical license from the State of Vermont. The ratio of licensed to unlicensed people shall be as required by 26 V.S.A., Chapter 15.

17. Fees

The fees to be paid for permits and inspections under the provisions of this Ordinance shall be designated by resolution of the City Council. In addition to any other applicable penalties, if any electrical work requiring a permit commences before a permit has been issued, there shall be an administrative processing fee to recover the costs associated with enforcement. This administrative processing fee shall be determined by the City Council. All expenses, fees, costs or charges assessed under this Ordinance shall be a lien upon the real estate, which may be enforced in the same manner as a tax lien under 32 V.S.A. Section 5061, provided the lien is duly recorded in the City of South Burlington Land Records.

18. Liability for Damages

Nothing in this Ordinance shall be construed to relieve from or lessen the responsibility or liability of any person owning, operating, controlling or installing any wiring, devices, appliances or equipment for damage to the person or property caused by any defect therein nor shall the City of South Burlington, the South Burlington Fire Department, or the Electrical Inspector be held as assuming such liability by reason of the inspection authorized herein or the issuance of a certificate of approval.

19. Enforcement

Any person who violates a provision of this Ordinance or who violates any condition of a permit or certificate of approval issued hereunder shall be subject to a civil penalty of up to \$800 per day for each day that such violation continues. The Electrical Inspector shall be authorized to act as the issuing municipal official to issue and pursue before the Judicial Bureau a municipal complaint.

20. Civil Penalty; Waiver Fee

An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation:

First offense	\$160
Second offense	\$320
Third offense	\$480
Fourth offense	\$640
Fifth and subsequent offenses	\$800

An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amounts, for any person who declines to contest a municipal complaint and pays the waiver fee:

First offense	\$100
Second offense	\$250
Third offense	\$400
Fourth offense	\$550
Fifth and subsequent offenses	\$700

21. Other Relief

In addition to the enforcement procedures available before the Judicial Bureau, the City Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law. Nothing herein shall be construed to limit other rights, remedies or penalties available by law, including under 26 V.S.A. Chapter 15.

22. Severability

If any portion of this Ordinance is held to be invalid by a court of competent jurisdiction, such finding shall not invalidate any other part of this Ordinance.

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Adopted at South Burlington, Vermont this 6th day of July, 2015, and to be effective upon adoption.

SOUTH BURLINGTON CITY COUNCIL



Pat Nowak, Chair

Meaghan Emery



Chris Shaw, Vice Chair



Thomas Chittenden

Helen Riehle, Clerk

Received and recorded this ^{7th} ~~5th~~ day of July, 2015.



Donna Kinville, City Clerk

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