ARTICLE 20

ELECTRICAL CODE

1. DEFINITIONS: For the purpose of this article, the words and phrases used herein shall have the meanings ascribed to them in this section, unless the context clearly indicates to the contrary.

(a) Approved shall mean approved by the Zoning Administrator or his or her designee.

(b) Authorized person shall mean any individual, firm or corporation who or which is licensed under the provisions of this article to do the work as permitted under the specified provisions of this article.

(c) City shall mean the territory within the corporate limits of this city.

(d) Conductor shall mean a wire or cable for carrying electric current.

(e) Electrical construction or installation shall mean and include all work and materials used in installing, maintaining or extending a system of electrical wiring and all appurtenances, apparatus or equipment used in connection therewith, inside or attached to any building, structure, lot, or premises, except industrial plants where fulltime maintenance is provided, and other agencies providing inspections of installations and facilities. Electrical construction shall not be held to mean or include any of the following:

(1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles, and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;

(2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or

 (3) Any work in industrial establishments where inspections come under

 the scope of other inspection agencies.

(f) Equipment shall mean conductors, materials, fittings, devices, appliances, fixtures, apparatus, motors and the like, used as a part of or in connection with an electrical installation.

(g) Inspector shall mean the Zoning Administrator or his or her designee.

(h) Person shall mean a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors, assigns, or the agent of any of the aforesaid.

(i) Special permission shall mean the written consent of the Zoning Administrator or his or her designee.

(j) Special ruling shall mean a written ruling filed at City Hall by the Zoning Administrator.

2. ADOPTION OF ELECTRICAL CODE BY REFERENCE: The standard electrical code section of the International Building Code of 2006, a publication of the International Code Council, the same being a standard code for the installation of electrical wiring and apparatus and available in book and pamphlet form, and the current edition of the NEC, National Electrical Code, is hereby incorporated by reference herein and made a part of this article as authorized and in the manner prescribed by K.S.A. 12-3009:3012. Three copies shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Carbondale," and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

3. ADDITIONAL PROVISIONS: The following sections of this article are in addition to the provisions of the standard code incorporated by reference in Section 2.

4. BUILDING OFFICIAL; AUTHORITY: The Zoning Administrator or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an electrical inspector in accordance with Section 4.

5. ELECTRICAL INSPECTOR; APPOINTMENT: The Zoning Administrator may assume the responsibilities of or appoint some qualified designee, officer or employee of the city to be and perform the duties of Electrical Inspector as may be required, subject to the consent and approval of the governing body.

6. SAME; DUTIES: The Electrical Inspector shall have the following duties:

(a) To enforce all regulations relating to electrical construction, alteration, repair or removal;

(b) May permit, with the approval of the governing body, on the assist of duly authenticated reports from recognized sources, the use of new materials or modes of electrical construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article, adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;

(c) To examine all buildings requiring electrical construction in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and

(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official or electrical inspector without his or her written consent.

 7. SAME; POWERS: The Electrical Inspector shall have the following powers:

(a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;

(b) To adopt and enforce all such prudent emergency measures, as he or she may deem necessary and expedient for the public safety under the laws of the City;

(c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the electrical regulations of the City, subject to the right of any installer or owner to appeal to the Governing Body.

8. SAME; RIGHT OF ENTRY: The Electrical Inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties.

9. CLARIFICATIONS; MODIFICATION:

(a) The Governing Body shall be the final determiner of the scope and meaning of all provisions of the electrical code, which may be unclear, ambiguous, or requiring interpretation.

(b) The Electrical Inspector shall have power to modify any of the provisions of the Electrical Code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the electrical inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the Inspector thereon shall be entered upon the records of the Electrical Inspector, and a signed copy shall be furnished to the applicant.

10. ELECTRICAL PERMIT REQUIRED; APPLICATION; APPROVAL:

(a) Except as provided in subsection

(b), it shall be unlawful for any person to engage in any electrical construction as defined in Section 1 within the city without an electrical permit being first obtained from the City Clerk, after approval by the Zoning Administrator or his or her designee. The application for such permit shall be made and the permit obtained before any electrical construction work is commenced.

 (c) No electrical permit shall be required for any of the following:

(1) The replacement of lamps, fuses, bulbs, or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;

(2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or

(3) Any work in industrial establishments where the issuance of electrical permits come under the scope of other agencies.

11. SAME; APPLICATION INFORMATION REQUIRED:

(a) An electrical permit shall be issued upon an application in writing to the Office of City Clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

 (1) The name of the owner of the lot or tract of ground;

 (2) The location of the building or structure;

 (3) The electrical construction work proposed;

 (4) The class of occupancy;

 (5) The class of electrical construction;

 (6) The kind of materials to be used;

 (7) The estimated cost of the work;

 (8) The date work will commence;

 (9) Expected date of completion;

 (10) Name and address of electrical contractor or contractors

 doing the work;

11) Such other information as may be pertinent to the issuance

 of the required permit.

(b) An application for an electrical permit shall be signed by the owner or his or her duly authorized agent, or an electrician or electrical contractor licensed by the City. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed electrician or electrical contractor or contractors doing the work described.

(c) Upon approval of the completed application and a determination that a permit should be issued, the Zoning Administrator or his or her designee shall issue a permit to the owner, electrician or electrical contractor authorizing the electrical construction work covered by the application.

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the electrical construction work authorized by such permit. Electrical construction work commenced, for the purpose of this section, shall mean the beginning of electrical construction work other than the preparation of plans or the letting of an electrical contract.

12. SAME;PLANS AND SPECIFICATIONS. Whenever an application for a electrical permit is made, the Zoning Administrator or designee may, if he or she finds it necessary to determine whether electrical construction work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed electrical construction as may be prepared for the purpose.

If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the Zoning Administrator may require the applicant to file complete electrical and engineering plans and specifications for such electrical construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the City to deny or issue a permit, or to inspect any electrical construction work for conformity with this article.

13. SAME; FEES: The fee for an electrical permit shall be $25.00, however no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under $250.00. The fee herein shall be paid to the City Clerk upon obtaining an electrical permit and the same shall be credited to the general operating fund of the City.

14. SAME; POSTING: A copy of the electrical permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The electrical inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

15. REQUEST FOR INSPECTION: Upon the completion of any electrical work covered by this article, it shall be the duty of the person doing such work to notify the Electrical Inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.

16. INSPECTION; CONCEALMENT OF PRIOR WORK:

(a) When any electric equipment is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the Zoning Administrator and such equipment shall not be concealed until it has been inspected, approved or authorized by the Electrical Inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification.

On large installations, where the concealment of equipment proceeds continuously, the person, firm or corporation installing the electrical equipment shall give the Electrical Inspector due notice and inspections shall be made periodically during the progress of the work.

(b)The Electrical Inspector shall have the authority to require building contractors to open such work which, in any manner, conceals electrical wiring that has been closed without his or her knowledge or permission, and in no case shall the inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The Inspector shall also have the right to refuse to issue a certificate of approval on any wiring that is concealed in such a manner that it cannot be fully determined that it has been done in accordance with this article.

17. INSPECTION FEE. An initial inspection fee of $40.00 will be charged. If additional inspections are required due to errors in construction, an additional $20.00 fee will be charged. All fees must be paid before any building or construction work will be approved or a certificate of approval is issued.

18. CERTIFICATE OF APPROVAL.

(a) When the Electrical Inspector finds an electrical construction or installation to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the electrical construction work or making the installation a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the installation and connection to the supply of electricity.

(b) When a certificate of approval is issued authorizing the connection and use of a temporary installation, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the Electrical Inspector.

(c)In no case shall certificates of approval be issued on electrical construction, installations or parts of installations where the work installed does not conform to the requirements of this article.

(d) If, upon inspection, the installation is not found to be fully in conformity with the provisions of this article, the Electrical Inspector shall immediately notify the person, firm, or corporation performing the electrical construction work or making the installation of the existing defects.

(e) No certificate of approval shall be issued unless the electric conductor or equipment has been installed in strict conformity with the provisions of this article, and unless the electrical construction or installation is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.

(f) The Electrical Inspector shall be deemed the judge of whether the installation of electric conductors and equipment has been made in accordance with the requirements of this article.

(g) No certificate of approval shall be required for any of the following:

 (1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;

 (2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or

 (3) Any work in industrial establishments where inspections come under the scope of other inspection agencies.

19. CONNECTION TO INSTALLATIONS: It shall be unlawful for any person, firm, or corporation to make connection to a supply of electricity to any building or electrical equipment for which an inspection is required, or which has been disconnected by the order of the electrical inspector, until a certificate of approval has been issued by the electrical inspector authorizing the connection and use of such electric supply. The electrical inspector may, at his or her discretion, authorize a temporary connection.

20. REINSPECTION: The Electrical Inspector shall periodically re-inspect existing installations of electrical conductors and equipment. When the installation of any conductors or equipment is found to be in a dangerous or unsafe condition, the person, firm, or corporation owning, using, or operating the installation shall be notified in writing and shall make the necessary repairs or changes required to place the conductors or equipment in safe condition and have the work completed within the period specified by the Electrical Inspector.

21. CONDEMNATION; APPEAL:

(a) If, in the judgment of the Electrical Inspector, after an inspection, any electrical conductors, appliances or equipment in any building are unsafe or dangerous to persons or property, the Inspector shall have the power to cause the wires or appliances to be disconnected from the source of electrical energy supplying these conductors or equipment, and may, at his or her discretion, seal the control switches for the same in an open or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site, and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit electric current to be supplied to the electrical conductors, appliances or equipment so sealed until they shall have been made safe and the inspector shall have issued a certificate of approval to that effect.

(b) It shall be the duty of the Electrical Inspector to cause all dead wires, unused poles or electric apparatus on the outside of the buildings or in streets or alleys to be removed at the expense of the owners thereof by giving the owners written notice.

(c) When the Electrical Inspector condemns all or part of any electrical installation, the owner may, within 10 days after receiving written notice thereof, file a petition in writing for review of the action of the Zoning Administrator by the Governing Body, upon the receipt of which the Governing Body shall at once proceed to determine the facts, and within 10 days from receiving the petition make a decision in accordance with their findings.

22. INTERFERENCE BY UNAUTHORIZED PERSON: It shall be unlawful for any unauthorized person to, in any manner, change or alter electrical conductors or equipment in or on any building. If in the course of the erection of a building or structure, electrical conductors or equipment are in such position as to interfere with the erection or completion of the structure, notice shall be immediately given the authorized person or firm installing the electrical conductors or equipment, and the needed change shall be made by such authorized person or firm.

23. ELECTRICIAN OR ELECTRICAL CONTRACTORS DEFINED:

(a) An electrician or electrical contractor for purposes of this article shall be any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:

(1)Who or which undertakes with or for another, for a fixed sum, price, fee or any other compensation to install, construct, alter, repair, add to, or move any electrical installation, or performs any electrical construction work in the city, for which an electrical construction permit may now or hereafter be required, by the laws of the city; or

(2) Who or which advertises or represents himself, herself, or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to install, construct, alter, repair, add to, remove, restore or replace any electrical installation, or perform any electrical construction work; or

(3) Who or which installs, constructs, alters, adds to or removes any electrical installation or performs any electrical construction work either on his or her own or other property for purposes of sale or speculation.

(b) An electrician or electrical contractor as defined shall not mean or include:

 (1) Any owner or his or her authorized agents or employees making ordinary repairs to his, her or its own building or structure not involving electrical construction and for which a permit is not required or on which an electrician or electrical contractor, as defined, is not required, employed or engaged to perform; or

 (2) Any property owner personally performing any improvements, alterations or electrical construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy, provided, the owner shall satisfy the Electrical Inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal electrical construction by an owner under this section shall be by himself, or herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work, except an electrician or electrical contractor licensed by the City.

24. ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S LICENSE REQUIRED; ELECTRICAL PERMITS; UNLAWFUL ACTS:

(a) Each electrician or electrical contractor shall, before entering upon any electrical construction work subject to regulation by City laws, apply to the City Clerk for an electrician's or electrical contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of electrician or electrical contractor in the city.

(b) No permit for any electrical construction work shall be issued for any such work to be performed by an electrician or electrical contractor, as defined, who has not first obtained a license upon making a proper application and payment of the license fee as required.

 (c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of an electrician or electrical contractor herein, or to perform any work as an electrician or electrical contractor, or any work under a contract for any work involving electrical construction, without first having obtained an electrician's or electrical contractor's license issued by the City.

25. SAME; APPLICATION; GRANTING:

(a) Application for an electrician's or electrical contractor's license shall be made upon a form to be supplied by the City which shall disclose the name of the applicant, his or her place of business in, the city (and home office if a nonresident), the kind of contracting work engaged in the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the electrician or electrical contractor or his or her authorized agent. The applications shall be, referred to the Governing Body at its next meeting for action thereon by the Zoning Administrator. Such license shall be issued by the City Clerk, upon payment of the fees hereinafter provided after approval of the governing body.

26. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS:

(a) The following license fees shall be paid for the calendar year or major fraction thereof:

 (1) General Electrician and Electrical Contractor, who shall qualify to engage in more than one kind of electrical construction work, the sum of $25.00

 (2) Limited Electrician and Electrical Contractor, who shall qualify to engage in only one kind of electrical construction work, the sum of $25.00

(b) Each such license shall set forth the kind of electrical construction work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable annually, as in the case of an original license on or before the first day of each January.

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.

27. INSURANCE; An electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of $1,000,000 for the death or injury of any one person, $500,000 for the death or injury of any number of persons in any one accident and $50,000 for property damage in any one accident. Some insurance company authorized to do business in the State of Kansas shall issue such policies of insurance. An electrician or electrical contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk executed by the resident agent of such company, stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the City, and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.

28. WORK BY PROPERTY OWNERS: Nothing herein contained shall prohibit

any property owner from personally performing any electrical construction or installing electrical wiring or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy. Personal electrical construction or installation performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or

electrical contractor licensed by the city.

29. APPROVED MATERIALS: No electric materials for wiring of appliances or

equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for wiring appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article.

30. LIABILITY: This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment, for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein, or by reason of any permit or license granted herein.

31. SEVERABILITY: If any section of the International Building Code of 2006, the current National Electrical Code, NEC, or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions; the section is to be completely severable from the remaining provisions which shall continue in full force

and effect.