

CITY OF PORT WASHINGTON, WISCONSIN

Ordinance No. 2020 - 1

An Ordinance Repealing and Recreating the Electrical Code

The Common Council of the City of Port Washington do ordain as follows:

Section 1. Chapter 16 of the Municipal Code of the City of Port Washington, entitled "Electrical Code," is hereby repealed and recreated to read as follows:

16.01.010 TITLE

This chapter shall be known as the "Electrical Code of the City of Port Washington" and will be referred to in this chapter as "this code" or "this chapter."

16.01.020 PURPOSE

The purpose of this chapter is the practical safeguarding of persons and property from hazards arising from the installation and use of electricity, by regulating and providing for the inspection of the installation and maintenance of electrical wiring, equipment, devices and systems, and providing for the licensing of individuals, firms and corporations undertaking electrical work, and fixing a penalty for violation of the provisions of this chapter.

16.01.030 CODE AND LAWS ADOPTED

Chapter SPS 316 of the Wisconsin Administrative Code, and Wis. Stat. §§ 101.80 through 101.88, inclusive, are adopted in their entirety by reference and made a part of this chapter. Any future amendments, revisions or modifications of such code or laws prescribed by the state Department of Safety and Professional Services or enacted by the state Legislature are intended to be made a part of this chapter in order to secure uniform statewide regulation and enforcement of laws relating to electrical wiring and electricians, and are hereby adopted by reference and made a part of this chapter.

16.01.040 DEFINITIONS. As used herein the following terms shall have the meanings indicated, except where the context clearly indicates a different meaning:

- A. "Electrical wiring" has the meaning given in Wis. Stat. § 101.80 (1m).
- B. "Electrical work" means the installation, supervision or inspection of electrical wiring and equipment for the production, modification, regulation, control, distribution, utilization or safeguarding of electrical energy for mechanical, chemical, cosmetic heating, lighting, or similar purposes, as specified under the state electrical wiring code.
- C. "Estimated cost" is the electrical contractor bid price plus the actual costs of any materials that are required for the electrical installation that are not provided for by the electrical contractor. Time and material jobs shall be based on estimated total cost. Upon completion of bid projects and/or time and material jobs, an additional permit shall be taken out to cover any extras that were in excess of the original permit.

16.01.050 ELECTRICAL INSPECTOR

- A. **Creation of Office.** There is hereby created the office of Electrical Inspector of the City.

- B. **Appointment.** The Electrical Inspector shall be appointed by the Mayor, subject to confirmation of the Common Council, for a term of two (2) years or until a successor shall be duly appointed and qualified. The Electrical Inspector shall receive such compensation as the Common Council shall from time to time determine. The Electrical Inspector shall be subject to removal from office at the pleasure of the Common Council. Until such time as a full-time Electrical Inspector is appointed, the Common Council may designate some other officer or employee of the City to act in such capacity, in addition to his or her other duties, or the Common Council may employ a part-time electrician(s) possessing the necessary experience and qualifications.
- C. **Qualifications.** The office of Electrical Inspector shall be held by a suitable and competent person(s), experienced, knowledgeable, and well-versed in approved methods of electrical construction to protect persons and property from electrical hazards, the state statutes relating to electrical work, the rules and regulations issued by the state Department of Safety and Professional Services, and the National Electrical Code of the National Fire Prevention Association. Such person(s) shall also be a certified Electrical Inspector as determined by the state Department of Safety and Professional Services.
- D. **Ethics.** The Electrical Inspector shall have no financial interest in any concern engaged in the installation of electrical wiring in the City at any time while holding the office of Electrical Inspector, and shall not be involved in any circumstances or activities which would constitute a conflict of interest or otherwise violate the provisions of the Code of Ethics set forth in §§ 2.14.000, et. seq., Municipal Code of the City of Port Washington. Any such violation shall be sufficient cause for his or her removal from office.
- E. **Powers and Duties.**
1. **In General.** The Electrical Inspector shall have the general management and control of all matters pertaining to electrical wiring and inspection and shall enforce all state electrical laws and regulations and City ordinances relating thereto.
 2. **Permits; Enforcement.** The Electrical Inspector shall issue all permits pertaining to electrical work and see that all electrical light, power and heating installations and all other electrical apparatus connected with the same are in strict conformity with provisions of this chapter, state statutes, and the rules and regulations issued by the state Department of Safety and Professional Services, and conform with the latest approved methods of construction for protecting persons and property from electrical hazards as set forth in the National Electrical Code of the National Fire Protection Association. The Electrical Inspector shall see that all the above-mentioned statutes, rules, regulations, codes and ordinances are enforced.
 3. **Inspections: Notice and Order to Correct.** The Electrical Inspector shall make a thorough examination upon request or complaint, or upon the change of use of commercial or industrial zoned property, of all electrical wires and appliances installed within the City, and when such wires or appliances are found to be in a dangerous, defective or unsafe condition or not in compliance with electrical statutes, rules, regulations, codes or ordinances, the Electrical Inspector shall notify and order the person owning, using, operating or installing the same to repair, change, correct or remove them as necessary to place them in a safe condition and to comply with such laws. Any person failing or refusing to make such repairs, changes, corrections or

removals or to comply with such laws within fifteen (15) days after such notice and order (or such longer period as may be deemed reasonable by the Electrical Inspector) shall be subject to the penalties set forth in this chapter.

4. **Right of Entry.** The Electrical Inspector or their authorized agent shall have the power and authority, at all reasonable hours and with the consent of the property owner, occupant or other person immediately in charge, to enter any public or private building or building premises in the discharge of their official duties, including, but not limited to, making any inspection of the building or premises or testing of the electrical wires, appliances, equipment or devices contained therein or located thereon. Except in cases of emergency where no special inspection warrant is required, if consent to entry for inspection purposes has been refused, the Electrical Inspector may apply for, obtain and execute a special inspection warrant under Wis. Stat. § 66.0119 for inspection of personal or real properties which are not public buildings or for inspection of portions of public buildings which are not open to the public.
5. **Disconnection of Electrical Service or Operation.** In case of emergency, the Electrical Inspector or their authorized agent may turn off electrical currents and cut or disconnect any wires where such electrical currents or wires are dangerous to persons or property or may interfere with the work of the Fire Department. The Electrical Inspector or their authorized agent shall have the authority to seal and tag unsafe electrical devices and systems or order the disconnection of all electrical service from any electrical device or system which is found to be in an unsafe condition. No person, firm business, corporation or other entity shall reconnect any device or system thus sealed and tagged or disconnected until verbal or written authorization is given by the Electrical Inspector. Use of any such sealed or tagged device or system or removal of any seal or tag shall be subject to the penalties set forth in this chapter.
6. **Recordkeeping.** The Electrical Inspector and the City's Division of Permits and Inspections shall keep and maintain complete records of all applications and permits, regularly numbered in the order of their issue, and of all inspections made and other official work performed under the provisions of this chapter, so as to afford prompt information concerning electrical installations.

16.01.060 INSPECTIONS

- A. **Periodic Inspections of Public Places.** The Electrical Inspector shall periodically visit and inspect places occupied by the public, such as places of amusement and places of assemblage, and make a thorough examination of all electrical wires, equipment and devices maintained or installed, and where found to be in a dangerous or unsafe condition or not in compliance with electrical statutes, rules, regulations, codes or ordinances, the person, firm or corporation owning, using, operating or installing same shall be notified and ordered to place them in a safe condition and to comply with such laws.
- B. **Inspections for Work Requiring a Permit under this Chapter 16.** Upon the completion of the electrical wiring in or on any building, and before any wiring is to be hidden from view, it shall be the duty of the building owner or their agent or the wiring installer performing such work to notify the Electrical Inspector that the electrical wiring installation is ready for inspection. The inspection shall be made in accordance with the provisions of § SPS 316.013, Wis. Adm. Code, and shall be completed within two (2) business days after such notification is received or as otherwise agreed between the wiring

installer and the Electrical Inspector. If upon inspection it is found such installation complies with this chapter and does not constitute a hazard to persons or property, the Electrical Inspector shall authorize the concealment of the wiring or connection for electrical service. If the installation is incomplete or not strictly in accordance with this chapter, orders shall be issued to the person, firm, business, corporation or other entity installing the same to remove all hazards and make the necessary changes or additions within thirty (30) days. However, if it is determined that an imminent lack of safety or current danger exists, the Electrical Inspector may issue a forty-eight (48) hour correction order. No person, firm, business, corporation or other entity shall conceal any electrical work before inspection or fail to comply with any order of the Electrical Inspector. Upon completion of the electrical work in a building, a final inspection shall be required. If the installation is not complete, the Electrical Inspector shall notify the person doing the work of any additional work to be done. If such work is not done within thirty (30) days after such notice, any person, firm, business, corporation or other entity failing to comply with the order of the Electrical Inspector shall be subject to issuance of a citation and the penalties set forth in this chapter. No permit shall be issued to any licensee until all fees due and payable for electrical inspection have been paid and all lawful orders of the Electrical Inspector have been complied with.

- C. **Stop-Work Orders.** The Electrical Inspector may order work stopped on the construction, installation, alteration or repair of wiring or electrical work when such work is conducted in violation of this chapter. Work so stopped shall not be resumed except with written permission of the Electrical Inspector, provided, however, that if the stop-work order is oral, it shall be followed by a written order within a reasonable time thereafter. Removal of any such order placed or posted on a premises is unlawful.
- D. **Certificate of Inspection.** Electrical service shall not be energized by the local utility until such service installation has been inspected. Upon inspection, a written certificate of inspection will be submitted to the local utility, and only after such certificate has been received may the electrical service be energized. In occupied buildings where a permit for lighting fixtures has been issued, the Electrical Inspector may authorize the installation of meters for electric service after wiring has been inspected and approved.
- E. **Construction Requirements.**
 - 1. **In General.** No certificates of inspection shall be issued unless the electric light, power or heating installations and all other electrical apparatus connected with them are in strict conformity with the provisions of this chapter.
 - 2. **Electric signs.** Electrically illuminated signs shall not be hung or erected until after inspection and approval by the Electrical Inspector, unless such signs have otherwise been approved.

16.01.070 LICENSES AND PERMITS

- A. **License Required.** Except as provided in §§ 16.01.070 A.1. and C.2. of this chapter, no person shall alter, install or repair electrical wires and apparatus for the utilization of electrical current for light, heat or power in the City, except in the usual operations of the public electric utility company, without first having obtained a license therefor as

required pursuant to Chapter SPS 305, Wisconsin Administrative Code, and Wis. Stat. §§ 101.80 to 101.88, inclusive.

1. Exception; Electrical Work Performed by Homeowner. Notwithstanding Wis. Stat. § 101.862(4)(a), a homeowner may, without a license, perform electrical work on a single-family dwelling that he or she owns and occupies as his or her permanent residence, and including an accessory structure such as a detached garage that is directly associated with the dwelling, except that the homeowner may not repair or replace the electrical service to the dwelling or install, repair or replace electrical wiring to hot tubs, spas or swimming pools. Any such electrical work must be permitted, inspected and approved according to this chapter. In addition, if requested by the Electrical Inspector, a homeowner must demonstrate his or her ability to conform the work to all applicable rules and regulations by furnishing drawings or plans of the proposed work.

B. Unlawful Use of License. It shall be unlawful for any person licensed under the provisions of Chapter SPS 305, Wisconsin Administrative Code, and Wis. Stat. §§ 101.80 to 101.88, inclusive, to obtain a permit for work to be done by any person not connected with such licensee or in the employ of such licensee, or to allow such licensee's name to be used by any other person for the purpose of doing any work coming under the provisions of this chapter.

C. Permits Required.

1. In General. Except as provided in § 16.01.070 C.2. of this chapter, no electrical wiring or other electrical equipment shall be installed, altered or repaired without first securing a permit. The applications for such permit shall state clearly the work planned and its location. Any work requiring a building permit shall require an electrical permit, providing that electrical work is to be done. The Electrical Inspector shall issue permits for the installation, alteration or repair of electrical wiring or other electrical equipment for light, heat or power upon the filing of proper applications, which shall be made on forms furnished by the inspector. It shall be the responsibility of the property owner, as well as the electrician, to determine that a proper permit has been issued.

2. Exceptions.

(a) No permit or license shall be required by the provisions of this chapter for:

- (i) The usual operations of the public electric utility company.
- (ii) The manufacturing, assembling, repairing, installation or testing of electrical equipment for which no license is required by § 16.01.070 A. of this chapter.
- (iii) Minor repair work, consisting of: repairing cords or switches, changing lamp sockets, or replacing lights, switches, receptacles, fuses and fixtures in the same location, provided, however, that the homeowner shall install code compliant devices pursuant to this chapter; replacing equipment and appliances having a proper factory-supplied flexible cord; and installing or replacing a paddle fan fixture where the existing wiring and supporting electrical box are listed or labeled to support the fixture.

(iv) Repairs made necessary for the proper maintenance of an existing installation.

(b) All work performed under the exceptions provided in subsections (a)(ii), (a)(iii) and (a)(iv) of this section shall be performed in full compliance with this chapter.

3. **Plans and Specifications.** At the time of the issuance of a permit required by the provisions of this chapter, the Electrical Inspector may require the manufacturer, owner, installer or user of electrical wiring, devices or equipment to submit plans, drawings, data, specifications, schedules, literature, information, materials, samples or tests as may be necessary to determine the fitness of such wiring, devices or equipment for safe installation and use.
4. **Issuance Restricted.** Permits required by the provisions of this chapter shall be issued to a licensed electrical contractor, or to an individual exempted under Wis. Stat. § 101.862(4) to perform electrical work.
5. **Lapse of Permit.** When installation of any electrical work for which a permit has been issued is not commenced within twelve (12) months after the date of the issuance of the permit, the permit shall expire, and no electrical work shall commence until a new permit is obtained and fees paid.
6. **Interactive Energy Installation.** Before any electrical permit for an interactive energy installation may be issued pursuant to this chapter, the person applying for the permit shall provide written approval for such installation from the electrical utility company. As used in this subsection, an “interactive energy installation” means an electrical system that operates in parallel with and may deliver power to an electrical production and distribution network.
7. **Temporary Work.** Permits for temporary electrical work may be granted by the Electrical Inspector for installation and use of open work and exposed wiring, lights, and power for building operations, display, and decorative lighting, for a limited period of time. A permit for temporary work shall not exceed ninety (90) days in duration unless approved by the Electrical Inspector, and such work shall be subject to discontinuance and complete removal at the expiration of such time or any time sooner when ordered by the Electrical Inspector. All electrical wiring and equipment associated with such temporary work shall be installed, maintained and operated in a safe and workmanlike manner.
8. **Emergency Work.** Under emergency conditions, the person, firm, business, corporation or other entity doing or causing such electrical work to be done shall report the same to the Electrical Inspector, and the owner of the premises where the installation is to occur or their agent shall submit a permit application to the Electrical Inspector for such work no later than the next business day after commencement of the installation.
9. **Permit and Inspection Fees.**
 - (a) **Fee Schedule.** The fees charged for permits and inspections required by the provisions of this chapter including, but not limited to, fees charged for the electrical installation, for starting work without a permit, for falsification of information on a permit application, and for reinspections, shall be set forth in

a Schedule of Fees maintained by the Building Inspector. Such fee schedule may be obtained from the Building Inspection Department, and the fees charged may be revised periodically by the Building Inspector as necessary, subject to review and approval of such fee schedule by resolution of the Common Council.

- (b) **Permit Fee for Work in City Building.** A fee shall be charged for a permit issued to a licensee doing electrical work on or in any building owned by the City, and a permit shall be procured before the commencement of work on or in such building.
- (c) **Payment of Fees.** All permit fees collected under this chapter shall be paid to the Building Inspection Department and credited to the general fund. No permit shall be issued or valid unless approved by the Electrical Inspector and the required permit fee is paid in full to the Building Inspection Department.
- (d) **Arrearages.** No further permits shall be approved or issued to any applicant/licensee, and no further inspections of any building or building premises shall be made, until all fee arrearages have been paid to the Building Inspection Department and the applicant/licensee has complied with all lawful orders of the Electrical Inspector.

16.01.080 LIABILITY OF OTHER TRADES AND CRAFTS

Persons associated with crafts or trades other than electrical and functioning in their native pursuits shall in no way alter the approved character of an electrical installation by the placement or replacement of materials or equipment in close proximity, by concealment, by making inaccessible or in any way affecting said approved electrical installation so as to render it in violation of this chapter. An exception to the provisions of this section shall be permitted where special written approval is obtained from the Electrical Inspector and the person owning or occupying the affected building or building premises. In addition to the penalties set forth in this chapter, a violation of this section shall subject the offender to liability for the construction costs incurred in restoring and/or remedying the electrical installation.

16.01.090 PENALTIES

In addition to any other penalty imposed or restitution required, any person who violates any provisions of this chapter shall, upon conviction thereof, forfeit not less than \$200 nor more than \$1,000, together with the costs of prosecution and, in default in payment of such forfeiture and costs, shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding 60 days.

Section 2. This ordinance shall take effect upon adoption and publication as provided by law.

Adopted and dated this 21st day of January, 2020.

CITY OF PORT WASHINGTON



Martin T. Becker, Mayor

ATTEST:



Susan L. Westerbeke, City Clerk