

**COMMONWEALTH OF KENTUCKY
HENDERSON COUNTY FISCAL COURT**

AN ORDINANCE RELATING TO THE ADOPTION OF THE 2008 NATIONAL ELECTRICAL CODE AND THE ISSUANCE OF ELECTRICAL LICENSES AND PERMITS.

WHEREAS, pursuant to the provisions of KRS Chapter 198B, the County of Henderson Kentucky, is required to have a duly qualified electrical inspector to inspect electrical installations in residences and commercial building as set out in KRS 198B.060, to assure that the aforesaid structures are in compliance with the electrical portion of the Kentucky Building Code and the National Electrical Code; and

WHEREAS, the Fiscal Court has determined that it is in the best interest of health, safety and welfare of the citizens of Henderson County to establish certain requirements which would provide a minimum standard for electrical installations to reduce the hazards from electrical causes.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF HENDERSON, COMMONWEALTH OF KENTUCKY:

SECTION 1. The Henderson County Fiscal Court may appoint or contract individual(s), pursuant to KRS Chapter 198B, as the Henderson County Electrical Inspector. The aforementioned Fiscal Court may also remove said Henderson County Electrical Inspector for cause.

SECTION 2. PURPOSE AND SCOPE

The purpose of this ordinance is to reduce the personal hazard and the fire hazard from electrical causes. To accomplish this, the requirements set out herein are intended to provide a minimum standard for electrical installations within the County, outside the corporate limits of the City of Henderson.

This ordinance shall apply to all electrical wiring and electrical equipment, used, installed or maintained in the County, outside the corporate limits of the City of Henderson.

SECTION 3. DEFINITIONS

The following words and phrases, when used in this ordinance, shall have the meanings respectively ascribed to them:

Electrical pertains to the installation of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith.

Electrical Contractor means any individual, partnership or corporation that engages in the business of or employs others for the construction, alteration, or repair of any electrical wiring used for the purpose of furnishing heat, light or power. Each electrical contractor shall be, or at all times have in his employ at least one (1) licensed electrical contractor. Each electrical contractor shall comply with KRS 227.480(2) (the requirements for Worker's Compensation Insurance and unemployment insurance laws and regulations).

Electrical Inspector means any person who is duly appointed or contracted by the Henderson County Fiscal Court and certified by the Commissioner of Housing, Buildings and Construction pursuant to KRS 227.489 who, for compensation, inspects the construction and installation of electrical conductors, fittings, devices and fixtures for light, heat or power service equipment to ascertain the compliance with the National Electrical Code incorporated in the Uniform State Building Code promulgated to KRS 198B.050 or the standards of safety of the state.

Electrician means any person who is employed by an electrical contractor and is engaged in the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power.

Homeowner means an owner and on-site resident of a single-family dwelling.

SECTION 4. ADOPTION OF NATIONAL ELECTRICAL CODE

All installations, construction, maintenance and operation of electrical wiring, appliances and devices in and about buildings and on private or public property, if not otherwise specifically covered in this ordinance, shall be installed, constructed, maintained, operated and supplied in accordance with the rules and regulations set forth in the edition of the National Electrical Code most recently adopted by the Commonwealth of Kentucky, Department of Housing, Building and Construction, a copy of which code is on file in the offices of the county clerk and the electrical inspector and which code is hereby adopted by the County and incorporated herein by reference.

SECTION 5. ELECTRICAL INSPECTOR; DUTIES

The provisions of this ordinance shall be administered by the Henderson County Electrical Inspector(s), who shall issue permits for and inspect all electrical wires, conduits, raceways and apparatus, and look after the enforcement of the laws, rules and regulations relating to the use of public streets for electrical wires, supports and apparatus in public and private buildings. The electrical inspector shall answer any relevant questions concerning, or give any desired information with respect to, the meaning of,

intent or application for this ordinance, however, he cannot lay out work or act in the capacity of a consulting engineer for inexperienced contractors, mechanics or owners.

The electrical inspector(s) shall keep, or cause to be kept, a full and complete daily record of all work permits issued and inspections made.

SECTION 6. INSPECTION

All electrical work and installation of electrical equipment and conductors covered by this ordinance shall be inspected by the electrical inspector. No work shall be concealed unless approved by the electrical inspector and tagged with a signed red "rough-in" inspection sticker. Failure by the electrical inspector to make the requested "rough-in" inspection within three (3) working days shall be considered as approval to conceal such electrical work. When installation, repair or alterations of electrical wiring or equipment have been completed, the electrical inspector shall be notified, and an inspection shall be made within three (3) working days. If the electrical inspector refuses to approve any electrical installation, he shall notify the installer or contractor within three (3) days. Such notice shall state the name of the ordinance and section of the electrical code that has been violated. The electrical work in violation shall be corrected, removed or an appeal filed in Henderson Circuit Court within thirty (30) days from the date the inspection was made. Failure to timely correct violations not appealed may subject the installer or contractor liable to the penalties set forth in KRS 198B.990 as provided by the Kentucky Building Code.

SECTION 7. REINSPECTION

The electrical inspector is hereby authorized to reinspect all wiring, appliances, devices, fixtures and equipment covered by this ordinance. When the installation of any such wiring, appliance, device, fixture or equipment is found to be in a dangerous or unsafe condition, the person owning, using or operating the same shall be notified to make the necessary repairs or changes required to place such wiring, appliances, devices, fixtures or equipment in a safe condition, and shall have such work completed within ten (10) days after notification or within such further reasonable times as may, upon request, be prescribed. All electrical wiring, apparatus or equipment within or attached to any building within the area of the county subject to this ordinance may be systematically reinspected every two (2) years. It shall be unlawful for any person to hinder or interfere with the electrical inspector in the discharge of his duties.

SECTION 8. POWER TO DISCONNECT SERVICE

The electrical inspector is authorized to disconnect or order the discontinuance of electrical service to such conductors or apparatus found to be in an unsafe or hazardous condition that poses an imminent threat to life or property, or to have been installed without a permit, or not in accordance with this ordinance. He shall thereupon post a written notice in a conspicuous place stating the reason why the conductors or apparatus have been disconnected, and it shall be unlawful for any person to remove the notice of disconnection or to reconnect such defective conductors or apparatus until the same have

been installed in a safe and secure condition and have been approved for use by the electrical inspector.

SECTION 9. CERTIFICATE OF COMPLIANCE

The electrical inspector shall issue a certificate of compliance when the electrical installation is completed and found to comply with this ordinance. No certificate shall be issued on any incomplete work.

SECTION 10. RIGHT TO ACCESS TO BUILDING

The electrical inspector shall have the right, during reasonable hours, upon the showing of proper credentials, to enter any building and to discharge his official duties or for the purpose of making inspection or test of the installation of any electrical device or any electrical material contained therein, in accordance with the Kentucky Building Code Administration, section 113.4.

SECTION 11. PERMITS REQUIRED AND FEES

a) It shall be unlawful for any person to install, alter or repair any electrical work covered by this ordinance without first obtaining a permit from the electrical inspector. If the cost of an electrical installation is less than two hundred dollars (\$200), a permit shall be required but no fee shall be charged. The life of a permit may be extended, if necessary, upon application, but all permits shall be voided within sixty (60) days if the work is not begun within that time. If work for which a permit is required commences prior to obtaining a permit, the fee hereinafter provided shall be double, but payment of such double fee shall not relieve any person from full compliance with the requirements of this ordinance in the execution of the work performed or any other penalties prescribed. Permits shall be issued only to a licensed electrical contractor, except those issued to the county homeowner, or holders of a limited license, issued by the electrical examining board. Special one-time permits may be issued to others for the installation of specialized systems.

b) Electrical construction permit fees are hereby established as follows:

- 1) Single-Family Residential: \$50.00 per inspection
- 2) Industrial and Commercial: 1.5% of electrical contract
- 3) Small Commercial: \$1.00 per amp (based on size of service enrollment)

c) For the purpose of electrical permit fees each condominium unit shall be considered as single-family residential

SECTION 12: MINOR REPAIRS EXCEPTED

Permits and inspection fees shall not be required for minor repair work, such as repairing flush or snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords, nor for experimental electrical work of a temporary nature in testing laboratories in electrical shops, educational institutions and the like.

SECTION 13. PERMIT TO DO OWN WORK

A permit to perform electrical work in or about the home may be issued to a homeowner, provided that all work is performed by homeowner or a member of the immediate family. The electrical inspector, however, shall not issue such permits unless the person who is to perform the work is named in the permit and appears before the electrical inspector and shows by answering such questions as may be asked that said person has sufficient knowledge to properly perform such work. If it is apparent from the character of the work performed that the homeowner is not competent to perform the work under any permit issued, the electrical inspector may require such portion of the work in violation be changed, altered, or repaired by a licensed electrical contractor at the expense of the homeowner. A permit shall be issued without fee to such electrical contractor and the permit to the owner shall be cancelled.

SECTION 14. PERMITS FOR DECORATIVE LIGHTING

Permits for temporary installation for indoor or outdoor decorative lighting in a public building or areas shall be issued only when permission has been granted as follows:

1) During festivals, fairs, conventions and similar community events, the electrical inspector may grant a special permit for a period not exceeding ten (10) days for the installation of approved systems of decorative light over roadways or sidewalk areas. If an extension of time is desired, for not more than twenty (20) days, such permit may be renewed at the discretion of the electrical inspector. A special permit from the electrical inspector shall be required for any such installation to be maintained for a period of more than thirty (30) days.

2) A special permit from the electrical inspector shall be obtained before any system of decorative lighting can be installed over any roadway or sidewalk area when installed at a time when no festival, fair, convention or the like is in progress.

SECTION 15. PARTIAL OR WORKING PERMIT

When the exact amount of work to be done under any permit cannot be definitely determined at the time of application for a permit, the electrical inspector may issue a partial or working permit.

SECTION 16. FILING OF DRAWINGS AND SPECIFICATIONS

Every person making application for any permit to do electrical work under this ordinance may be required by the electrical inspector to file a set of plans and specifications in sufficient detail to enable the electrical inspector to determine if the work will be in compliance with the rules, regulations and provision of this ordinance. A key to the symbols used shall accompany all plans. If mains, feeders, branches and distributing panels are shown on the plans, they shall be designated by letters or numbers.

SECTION 17. NECESSITY OF APPROVAL

It shall be unlawful for any person to make any electrical connection to any electrical wiring or equipment until approval has been given by the electrical inspector. The electrical inspector is hereby authorized to disconnect any electrical installation or equipment which has been connected before the approval for service has been given. He shall thereupon attach a written notice which shall state that the wiring or equipment has been disconnected by the electrical inspector. It shall be unlawful for any person to remove such notice or reconnect the wiring before the site has been approved by the electrical inspector.

SECTION 18. FAILURE TO CORRECT DEFECTS

The electrical inspector is further authorized to deny the issuance of a permit to any person licensed under the provisions of this ordinance who fails to correct any defect, error or deficiency in any electrical work installed by him until such time as such defects, errors and deficiencies are corrected. It shall be unlawful to perform any electrical work, other than correcting such deficiencies, during the period additional permits are being denied.

SECTION 19. LIABILITY FOR DAMAGES

This ordinance shall not be construed to affect the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or property caused by a defect therein. Neither the County or any its agencies, boards, inspectors or employees shall assume any liability by reason of the inspection, reinspection or other examination of electrical work or equipment authorized, or by reason of the certificate of compliance as herein provided, or by reason of the approval or disapproval of any equipment authorized herein.

SECTION 20. PENALTIES

Any person violating any of the provisions of this ordinance or failing to conform to any of its provision, or failing to obey any order of the electrical inspector issued pursuant to this ordinance shall, upon conviction, be fined not less than twenty-five dollars (\$25.00) nor more than (\$250.00), or imprisoned for a term not to exceed ninety (90) days, or both.

SECTION 21. REPEAL

All ordinances, or parts thereof, in conflict herewith are, to the extent of such conflict hereby repealed.

SECTION 22. SEVERABILITY CLAUSE

The provisions of this ordinance are severable and, if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

SECTION 23. EFFECTIVE DATE

This ordinance shall take effect and be in full force when passed, published and recorded according to law.

This Ordinance hereby is adopted pursuant to KRS 67.077 in that it was published in summary form on the 10th day of March, 2012, and was introduced and read on the 20th day of March, 2012, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424 and KRS 67.077 sub-section three.

On first reading of the foregoing Ordinance, it was moved by Magistrate Warren, seconded by Magistrate Wilkerson, that the Ordinance be adopted on its first reading.

WHEREUPON, the vote was called.

Upon roll call the vote stood:

Magistrate Warren	<u>Aye</u>
Magistrate Todd	<u>Aye</u>
Magistrate Puttman	<u>Aye</u>
Magistrate Alexander	<u>Aye</u>
Magistrate Wilkerson	<u>Aye</u>

WHEREUPON, County Judge-Executive Donald Hugh McCormick declared the Ordinance adopted on its first reading and ordered that the same be presented for second reading on March 20, 2012, at the regular meeting of Fiscal Court.

On second reading of the foregoing Ordinance, it was moved by Magistrate Puttman, seconded by Magistrate Wilkerson, that the Ordinance be adopted.


WHEREUPON, the vote was called.

On roll call the vote stood:

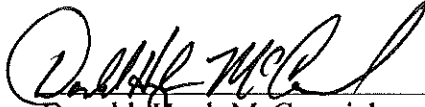
Magistrate Warren	<u>Aye</u>
Magistrate Todd	<u>Aye</u>
Magistrate Puttman	<u>Aye</u>
Magistrate Alexander	<u>Aye</u>
Magistrate Wilkerson	<u>Aye</u>

WHEREUPON, County Judge-Executive Donald Hugh McCormick declared the Ordinance adopted on its second reading, affixed his signature and the date thereto and declared that the same be recorded.

ATTEST:



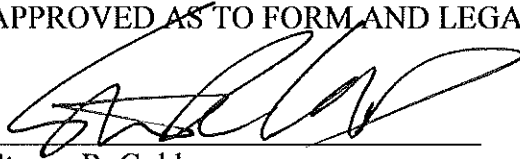
Sue Baker
Henderson Fiscal Court Clerk



Donald Hugh McCormick
Henderson County Judge-Executive

APPROVED this the 20 day of March, 2012.

APPROVED AS TO FORM AND LEGALITY:



Steven R. Gold
Henderson County Attorney