

ARTICLE 4. ELECTRICAL CODE

5-401

NATIONAL ELECTRICAL CODE INCORPORATED.

"National Electrical Code, 1999 Edition," copyright 1998, published by the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269-9101, is hereby incorporated by reference and made a part of this Article as if fully set out herein save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. Not less than three (3) copies of the National Electrical Code, 1996 Edition, marked or stamped in the manner provided by K.S.A. 12-3010, and to which shall be attached a copy of this ordinance, provided by K.S.A. 12-3010, and to which shall be attached a copy of this ordinance, shall be available to the public at reasonable hours. Official copies of such Code shall be supplied at the cost of the City to the officials and agencies in the manner set forth in K.S.A. 12-3010. (Ord. 5284; Ord. 5909; 6400, Sec. 1; Ord. 6914, Ord. 7224)

5-402

AMENDMENTS TO THE NATIONAL ELECTRICAL CODE 1999 EDITION, ADOPTED IN SECTION 5-401, SHALL BE AS FOLLOWS: (Ord. 7224)

Article 100. DEFINITION OF STORY, BUILDING. The definition for a building story shall be provided by the Uniform Building Code as adopted by this City.

Article 100. DEFINITION OF BASEMENT, BUILDING. The definition for a basement shall be provided by the Uniform Building Code as adopted by this City.

Section 210-8 Ground-Fault Circuit-Interrupter Protection for Personnel.

(a) Dwelling Units.

- (8) All 125-volt, single phase, 15- and 20-ampere receptacles installed within six (6) feet of a sink shall have ground-fault circuit-interrupter protection for personnel. A "sink" shall be defined as a basin or receptacle for receiving and carrying off water.

Section 210-8 Ground-Fault Circuit-Interrupter Protection for Personnel.

(b) Other than Dwelling Units.

(1) Bathrooms.

- (a) Hotels and Motels. 125-volt, 15- and 20-ampere receptacles installed in bathrooms of hotels and motels shall have ground-fault circuit-interrupter protection and shall be a ground-fault circuit-interrupter device. This device shall not serve receptacles in other guestrooms.

Section 210-23 Permissible Loads.

(a) 15- and 20- Ampere Branch Circuits.

- (1) A sump pump shall be served by an individual branch circuit. The circuit and its receptacle device shall not serve as the device required in section, 210-52(g).

Section 210-52 Dwelling Unit Receptacle Outlets.

(g) Basements and Garages.

- (1) Garage Door Opener Receptacle Outlets. A receptacle outlet device shall be installed in the garage ceiling and located a distance from the vehicle entry door opening and centered between the finished edges of the opening. The distance from the vehicle entry door opening shall be determined by finding the sum of the height of the vehicle entry door plus a minimum of two (2) feet.

Section 210-62 Show Windows.

- (a) Show windows of buildings in a commercial occupancy, for the purpose of this Section, shall consider each exterior window as show window unless exempted by the enforcing authority.

Section 230-2. Number of Services.

(a) Special Conditions.

- (1) Fire Pumps. Is deleted.

Section 230-28. Service Masts as Supports.

Where a service mast is used for the support of service-drop conductors, rigid metallic conduit with a minimum trade size diameter of two (2) inches shall be installed. Where the service mast projects more than three (3) feet above a roof surface, the mast shall be supported by braces or guys to withstand safely the strain imposed by the service drop. All raceway fittings shall be identified for use with service masts.

Section 230-40. Number of Service-Entrance Conductor Sets.

Exception No. 1. Is deleted.

Section 230-43. Wiring methods for 600 volts, nominal, or less.

- (6) Electrical Nonmetallic Tubing (ENT). Is deleted.
(7) Service-Entrance (SE) cables. Is deleted.

Section 230-70. General.

(a) Location.

The location of the disconnecting means shall not exceed three (3) feet horizontally from the point of entrance with a total length of six (6) feet inside the structure. Service disconnecting means shall not be installed in bathrooms. Exception. The location of the service disconnecting means may exceed the specified horizontal and total distances from the point of entrance in industrial establishments when using cablebus or busways.

Section 230-72. Grouping of Disconnects.

(a) General.

- (1) Arrangement of Meters and Disconnects.

Meters and disconnects shall be marked and installed by numerical or alphabetical order, top to bottom or left to right unless exempted by the enforcing authority.

- (2) Meter enclosures and service equipment shall be permanently marked with phenolic labels, engraved plaques, or other approved means.

Section 230-79. Rating of Service Disconnecting Means.

(c) Dwellings.

- (1) For one- and two- family dwellings, and multi-family dwelling units with more than 500 square feet, the service disconnecting means shall have a rating of not less than 100 amperes, 3-wire.
- (2) For multi-family dwelling units with 500 square feet or less, the service disconnecting means shall have a rating of not less than 60 amperes.

Section 250-68. Grounding Electrode Conductor Connection to Grounding Electrodes.

(a) Accessibility.

- (1) The location of the grounding electrode connection(s) to the grounding electrode(s) shall be permanently stated on a plaque or directory on the service disconnecting means.

Section 336-5. Uses Not Permitted.

(a) Types NM, NMC, and NMS.

- (1) In any dwelling or structure exceeding three (3) stories.
- (10) In any Occupancy Group other than Group R.

FPN: The intent of this subsection is not to restrict the use of nonmetallic sheathed cable in residential garages, carports, or other occupancies directly associated with one an two family dwellings.

- (11) In any Group R Division 1 Occupancy other than apartments.

FPN: The intent of this subsection is not to restrict the use of nonmetallic sheathed cable in garages or carports directly associated with an apartment.

Section 600-3. Listing.

Electric signs and outline lighting – fixed, mobile, or portable – shall be listed and installed in conformance with that listing, unless otherwise approved by special permission. This requirement shall become effective January 1, 2001.

Section 700-12. General Requirements.

- (d) Separate Service. Is deleted.

Section 701-11. Legally Required Standby Systems.

- (e) Connection Ahead of Service Disconnecting Means. Is deleted.

5-403

ADMINISTRATION; GENERALLY.

(A) **Purpose.**

The purpose of these regulations is to provide a uniform standard for representatives of the City to administer the National Electrical Code and judge the installation of electrical systems; for persons appointed to the Board of Electrical Examiners and Appeals; for persons who perform or cause to be performed any electrical work within the City; and electrical systems installed in, on or about the buildings, structures and its premises located within the City's jurisdiction. The purpose of these regulations is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these regulations.

(B) **Scope.**

The provisions of these regulations shall apply to the construction, alteration, moving, demolition, repair, maintenance and use of any building or structure and any related apparatus thereto and any premises electrical systems.

(C) **Application to existing buildings.**

- (1) General. Buildings, structures and their electrical systems to which additions, alterations or repairs are made shall comply with all the requirements of all the technical codes adopted by the City.
- (2) Additions and Alterations. Additions to, or alterations of an existing electrical system shall be installed in compliance the current edition of the National Electrical Code as adopted by the City unless otherwise provided in these regulations.
- (3) Repairs. Repairs to electrical systems shall be made in accordance with Codes and standards applicable at the time of the original installation. Repairs shall be considered as an item of maintenance as provided by these regulations.
- (4) Existing Installations. Electrical systems lawfully installed at the time of the adoption of technical codes may continue its use and maintenance if the use and maintenance is in accordance with the original design and, in the judgment of the enforcing authority, no hazard to public health, safety or welfare has been created by such system.
- (5) Moved Buildings. Buildings moved to or relocated in the City shall conform to the current National Electrical Code as adopted by the City.
- (6) Historic Buildings. Maintenance, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure or landmark; and subject to city and state historic preservation ordinances and laws, may be made without conformance to all the requirements of the technical codes when authorized by the enforcing authority.

(D) **Definitions.**

For the purpose of these regulations, certain terms, phrases, words and their derivatives shall be construed as specified in this Section. Where terms are not defined in this Section, they shall be referred to the National Electrical Code and other technical codes adopted by the City. Where terms are not found in this Section or technical codes, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

Addition is an extension of an electrical system's service equipment, feeder or branch circuit.

Agent is the person who acts on behalf of and with the permission of a person owning property, firm, copartners, corporation, association, or combination thereof.

Alter or Alteration is any change or modification in a building, structure or an electrical system.

Contractors of Record is a person, firm, copartners, corporation, association or combination thereof who is authorized by the City to perform or cause to be performed work regulated by the technical codes adopted by the City; whom shall assume responsibility for the work allowed within the scope of the permit; and whom is designated on the permit issued by the enforcing authority.

Enforcing Authority is the officer authorized by the appointing authority to enforce the National Electrical Code and other technical codes, standards and laws adopted by this jurisdiction.

Maintenance, Electrical is the replacement of a permanently fixed device, lighting fixture, appliance or any utilization equipment or component thereof that does not increase or decrease the energy demand of a premises wiring system. The relocation of a permanently fixed outlet, device, lighting fixture, appliance or any utilization equipment is not considered maintenance. The replacement or relocation of cable or conductor, raceway, wireway or auxiliary gutter, cable tray and similar methods is not considered maintenance.

National Electrical Code is the standard promulgated by the National Fire Protection Association, as adopted by this jurisdiction.

Owner is any person, firm or corporation having a legal or equitable interest in the property.

Permit is an official document issued by the enforcing authority authorizing performance of a specified activity.

Shall as used in these regulations is mandatory.

Systems are the assemblage of materials and/or equipment of which are subject to these regulations and technical codes.

Technical Codes are the National Electrical Code, Uniform Building Code, Uniform Mechanical Code and Uniform Plumbing Code, Uniform Fire Code, Uniform Housing Code and other technical codes adopted by this jurisdiction containing the provisions for design, construction, alteration, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures.

(E) **Conflicting Provision.**

Wherever conflicting provisions or requirements occur between these regulations, the technical codes and any other codes or laws, the most restrictive provisions shall govern.

Where conflicts occur between the technical codes, those provisions providing the greater safety to life shall govern. In other conflicts where life safety or fire safety are not involved, the most restrictive provisions shall govern.

Where in any specific case different sections within any of the technical codes specify different materials or methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Where conflicts occur between any specific provisions of these regulations and any administrative provisions in any technical code which is then applicable within this jurisdiction, the provisions most currently adopted shall prevail.

- (F) **Alternate materials and methods of construction.**
The use of alternate materials and methods of construction may be permitted by the enforcing authority as provided by the applicable technical code.
- (G) **Modifications.**
Modifications in construction and design may be permitted by the enforcing authority as provided by the applicable technical code.
- (H) **Unsafe buildings, structures or systems.**
All buildings or structures and their systems regulated herein and in the technical codes which are structurally inadequate, or have inadequate egress, or which constitute a fire hazard, or otherwise dangerous to human life are, for the purpose of this Section, unsafe.

Building systems regulated by technical codes, which constitute a fire, electrical, or health hazard, or life safety, or are otherwise dangerous to human life are, for the purpose of this Section, unsafe. Any use of buildings, structures or their systems constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this Section, an unsafe use.

Any unsafe condition is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in these regulations and other regulations of the City Code. An unsafe condition may result in the termination of the electrical source to the building or structure premises electrical system as determined by the enforcing authority.

- (I) **Exemption.**
The provisions of these regulations shall not apply to public service utility companies or their authorized representative in the performance of work in the distribution or metering of any public utility. (Ord. 6400)

5-404

ORGANIZATION AND ENFORCEMENT.

- (A) **Authority.**
 - (1) Creation of Enforcement Agency. There is hereby established in this jurisdiction a Code Enforcement agency which shall be under the administrative and operational control of the enforcing authority.
 - (2) General. Whenever the term or title "enforcing authority" is used herein or whenever the term or title "administrative authority," "responsible official," "chief inspector," "code enforcement officer," "authority having jurisdiction," or other

similar designation is used in any of the technical codes, it shall be construed to mean the officials designated by the appointing authority of this jurisdiction.

- (3) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of these regulations and the technical codes, or whenever the enforcing authority has cause to believe there exists in any building or upon any premises a condition or code violation which makes the premises unsafe, the enforcing authority may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the enforcing authority by such codes, provided that if such building premises is occupied, he or she shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he or she shall make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the enforcing authority shall have recourse to every remedy provided by the law to secure entry.
- (4) Stop Work Orders. Whenever any work is being done contrary to the provisions of these regulations and the technical codes, the enforcing authority may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the enforcing authority to proceed with the work.
- (5) Standards for Judging Work.
 - (a) All constructing, altering, adding to or repairing of buildings or structures or its systems and the materials and equipment used therefore, shall conform with the provisions of these regulations, the laws of the state, and with approved standards of safety for persons and property. Conformity with the provisions of these regulations, the laws of the state and the provisions of the technical codes shall constitute the standards of good practice by which the enforcing authority shall judge work and materials.
 - (b) The enforcing authority shall decide all questions not provided for in these regulations pertaining to the constructing, altering, adding to, or repairing of buildings or structures or its systems in accordance with his or her best judgment of what constitutes good practice based on the codes and ordinances of the City.
- (6) Defective and Unsafe Work. When an installation shall be found not to comply with the provisions of these regulations or to be unsafe or defective, the enforcing authority shall at once notify the person doing the work of such finding or make written notice of the finding and post on or within the building, structure or premises.
Every defective installation shall be corrected before a subsequent inspection will be made. Should said person fail or refuse to change, rearrange or remove the work within a time prescribed by the enforcing authority, the enforcing authority may issue a stop work order to one or all contractors of record.
- (7) Occupancy Violations. Wherever any building or structure of systems therein regulated by these regulations and the technical codes is being used contrary to the provisions of such codes, the enforcing authority may order such use discontinued by written notice served on any person causing such use to be

continued. Such person shall discontinue the use within the time prescribed by the enforcing authority after receipt of such notice to make the structure or portion thereof, comply with the requirements of these regulations.

- (8) Authority to Condemn Systems. Where the enforcing authority determines a system is not an immediate hazard but ascertains that any systems regulated in the technical codes has become unsafe to life, health, property, he or she shall order in writing that such equipment either be removed or restored to a safe condition or whichever is appropriate. The written notice shall fix a time limit for compliance with such order. No person shall use or maintain a defective system after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within forty-eight (48) hours to the serving utility, the owner and occupant of such building, structure or premises.

When any system is maintained in violation of the technical codes and in violation of any notice issued pursuant to the provisions of these regulations, the enforcing authority shall institute any appropriate action to prevent, retrain, correct or abate the violation.

- (9) Authority to Prevent Connection or to Disconnect Utilities. The enforcing authority shall have the authority to cause disconnection of any utility service or energy supplied to the building, structure or systems therein regulated by these regulations or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The enforcing authority shall whenever possible notify the serving utility, the owner and occupant of the building, structure, or systems of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of building structure or systems, in writing, of such disconnection immediately thereafter.
- (10) Authority to Disconnect Utilities Due to Fires, Explosions, or Other Disasters. The enforcing authority, Fire Chief or authorized representatives may cause the disconnecting of utilities when deemed necessary in the interest of public safety.
- (11) Restoration of Building Systems after Disconnection. No person shall make connections from any electrical source to a premises wiring system which has been disconnected or ordered to be disconnected by the enforcing authority or the use of which has been ordered to be disconnected until the enforcing authority authorized the re-connection and use of such system.
- (12) Liability. The enforcing authority charged with the enforcement of these regulations and the technical codes, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act or omission performed by him or her in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of these regulations, or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

- (B) **Appeal of Enforcing Authority's Decision.**
Any one aggrieved by the enforcing authority's decision may appeal to the appropriate appeals board.
- (C) **Board of Electrical Examiners and Appeals.**
Where provisions apply generally to each board, the term "Board" in the singular or plural shall be used.
- (1) General. A Board is established for the purpose of designating examinations for certification categories and designating standards and qualifications for the certification and licensing of electricians; acting as an appeals board of persons aggrieved by a decision concerning the National Electrical Code or other technical matter of the enforcing authority, or feel these regulations do not adequately cover a point in question; and act as a code committee recommending to the Governing Body any changes necessary for the adoption of technical codes and ordinances.
- (2) Board of Electrical Examiners and Appeals.
- (a) Established. There is hereby created a Board of Electrical Examiners and Appeals.
- (b) Appointments. The members of the Electrical Board shall be appointed by the Mayor and with the consent of the Board of Commissioners of the City. Upon adoption of this ordinance, two (2) electrical contractors, two (2) journey electricians, one (1) member of the Lawrence Fire Prevention Division, two (2) Lawrence citizens at large not employed in work regulated by the National Electrical Code nor an employee of the City. The enforcing authority shall be an ex-officio member.
- (3) Terms. The members of the Board shall serve for three (3) years unless resigned or removed under guidelines and by-laws it may adopt. The initial appointment, however, shall be staggered so that no more than two (2) members' terms expire in the same year and the retiring members shall not be both contractors or both journey electricians.
- (4) Meeting of the Board. The members of the Board, under such rules and regulations as they shall prescribe, shall hold meetings monthly and at additional times as deemed necessary by the Board for the purpose of the duties as set forth in this Section. A chairman, elected annually from the members, shall preside at all meetings. A representative from the enforcing jurisdiction shall keep records of all proceedings.
- (5) Duties. The Board shall elect a chairperson and vice-chairperson. Any action or recommendation of a Board must be by majority vote. The Board shall adopt in writing, a set of rules and procedures for testing and certification of applicants, conducting appeals hearings and recommending Code changes. A copy of such rules and procedures shall be available for the public in the office of the enforcing authority. The Board shall be given the authority to appoint recommending committees. In conducting any business authorized by this Article, the Board shall be bound by the provisions of these regulations and any other ordinance or Code of the City.

(D) **Appeals.**

- (1) General. To hear and decide appeals of orders, decisions or determinations made by the enforcing authority relative to the application and interpretations of the technical codes, the Board shall act as a board of appeals to pass upon matters pertaining to construction, repair and maintenance and who are not employees of the jurisdiction.
- (2) Limitations of Authority. The Board shall have no authority relative to interpretation of the administrative provisions of these regulations or the technical codes nor shall the Board be empowered to waive requirements of either these regulations or the technical codes.
- (3) Application. A person wanting to file an appeal to the Board shall make application to the enforcing authority on the form provided. The enforcing authority shall transmit a copy of the application to each member of the Board and shall arrange for a hearing on the points in question within thirty (30) days of the enforcing authority's receipt of the application. Any person who filed the appeal and who feels the decision of a Board is arbitrary or in error, may appeal such decision to the Governing Body. Such an appeal must be taken within thirty (30) days from the date of the decision of the Board. (Ord. 6400)

5-405

CERTIFICATION AND LICENSING, GENERALLY.

(A) **General.**

All persons or firms who are engaged in construction and/or a related trade and who work under any of the provisions of these regulations shall be certified and/or licensed under this Article.

(B) **Definitions.**

As used in this Article and elsewhere in the ordinances of the City, unless the context otherwise indicates, the terms used herein shall be as follows:

Apprentice. Any person who is engaged in electrical work that requires a permit or inspection and does not possess a license provided by these regulations who performs electrical work.

Appliance or Utilization Equipment Installer. An unlicensed person who installs or repairs appliances or utilization equipment including alarm systems, gasoline dispensing pumps, manufacturing equipment, water irrigation systems, elevators, garage door openers, etc.

Certified. An acknowledgment by this jurisdiction of a person's competency for licensing as provided by the State Statutes of Kansas

Contractor, Electrical. A certified master electrician or a firm employing a certified master electrician; or a person licensed as a contractor prior to July 1, 1986, who:

- (a) Undertakes with or for another to install, alter or maintain electrical systems and/or equipment within the City.
- (b) Possesses a valid electrical contractor's license issued by this jurisdiction.
- (c) Causes persons under his or her direction to install, alter, or maintain electrical systems or equipment within the City.

Install. To assemble or relocate any material, equipment, appliance, or apparatus.

Journey, Electrician. A person who:

- (a) Obtained a license prior to July 1, 1986, and possesses a valid license issued by this jurisdiction; or possesses a journey electrician certificate of competency.
- (b) Possesses a valid license issued by this jurisdiction.
- (c) Is employed by or works under the direction of an electrical contractor.
- (d) Installs electrical systems or supervises persons who install electrical systems within City.

Licensed. An acknowledgement by this jurisdiction that person meets the criteria and has paid the required fees to practice the electrical trades.

Master Electrician. A person who:

- (a) Possesses a master electrician certificate of competency and possesses a valid license issued by this jurisdiction.
- (b) Is employed by or works under the direction of an electrical contractor.
- (c) Installs electrical systems or supervises persons who installs electrical systems.

Residential Electrician. A person who:

- (a) Possesses a residential electrician certificate of competency.
- (b) Possesses a valid license issued by this jurisdiction.
- (c) Is employed by or works under the direction of an electrical contractor.
- (d) Installs electrical systems or supervises persons who install electrical systems in one and two family dwellings.
- (e) Is an apprentice on installations other than one and two family dwellings.

Trade. An occupation or craft requiring dexterity and/or artistic skills in relation to the construction of a building, structure or system and its related equipment that is organic to its function. (Ord. 6400)

5-406

CERTIFICATION.

(A) **Certification required.**

- (a) Certification is the accepted standard for licensure within this jurisdiction. Unless specifically excepted elsewhere in these regulations, only persons so certified and presents a certificate of competency, as provided by the State Statutes of Kansas to the enforcing authority shall be permitted to license in the electrical trade in the City.
- (b) The enforcing authority may issue certificates of competency as provided by the State Statutes of Kansas. The enforcing authority may cease the issuance of certificates of competency as they see fit.

(B) **Examination.**

- (1) General. Any person seeking certification as an electrical contractor, master electrician, journey electrician, or residential electrician shall direct his or her inquiries to the enforcing authority.
- (2) Eligibility. To be eligible to make application for examination and certification, an applicant shall have the practical experience as prescribed in this Section.

- (a) Master Electrician. Six (6) years experience within the trade with layout, installation and supervisory experience.
 - (b) Journey Electrician. Three (3) years experience within the respective trade with installation experience.
 - (c) Residential Electrician. Two (2) years experience within the trade with installation experience in one and two family dwellings.
 - (d) Education. A degree in engineering conferred by an accredited college or university may be substituted for two and one-half (2.5) years of practicable experience. Also, graduation from an accredited vocation-technical school or other formal training within the field of endeavor may be substituted for one (1) year of practical experience. The respective Board shall require verification of educational training.
- (3) Processing Fee. A processing fee shall be paid to the enforcing jurisdiction and shall accompany every application for examination and certification. The amount of the processing fee shall be established by the enforcing authority.
 - (4) Application. A person who seeks certification in the categories established in this Section shall submit written application on forms provided by the enforcing authority. Practical experience shall be verified. Copies of trade licenses; union card; W-4 tax receipts; or statements from present and past employers written on company letterhead stationary and attested by a public notary shall accompany the application and certification form. The enforcing authority may reject an applicant's application and certification form if the information is illegible, incomplete or falsified. The enforcing authority shall make notice (accept or reject) to the applicant not more than thirty-one (31) days from receipt of the application and certification form. Applicants who receive rejection notices may again make written application upon satisfactorily meeting the criteria set forth by the enforcing authority. Applicants who receive accepted notices may register with the examination preparer on forms provided by the enforcing authority.
 - (5) Registration Forms. The enforcing authority shall issue registration forms for examination, as provided by the exam preparers, in the categories provided by this Section. The enforcing authority shall make every attempt to provide an exam candidate with the necessary information and registration forms in a reasonable time. The enforcing authority shall not be held responsible for a candidate's failure to make the necessary deadlines, actions or contracts involving the examination preparers and the candidate, examination content, examination preparer notification and review policies, the scheduling of exam dates and locations, the proctoring and grading of exams, exam fees and other items relating to the examination preparers.
 - (6) Passing Grade. The passing grade for all certification categories shall be seventy-five percent (75%) or better.
 - (7) Re-examination. Candidates who do not pass a certification examination may make written application to the enforcing authority involving the administration of examinations.
- (C) **Certificate of Competency.**
A candidate who passes a certification examination shall be issued a certificate of competency as provided by the State Statutes of Kansas. (Ord. 6400)

- (A) **General.**
This jurisdiction issues licenses for the purpose of authorizing and regulating persons to install, alter or maintain electrical systems and equipment within the City and to establish and maintain a register of persons who are authorized to perform work within the City. Any person seeking licensure as an electrical contractor, master electrician, journey electrician, or residential electrician shall direct his or her inquiries to the enforcing authority.
- (B) **Required.**
No person, other than a duly licensed contractor, shall engage in the electrical trades within the jurisdiction of the City with the exception of;
- (a) Any person who performs maintenance as defined by these regulations.
 - (b) Appliance and utilization equipment installers may connect an appliance or equipment to an electrical system's final branch circuit switching device. The installation, modification or extension of a system, or the installation of a system means of connection for an appliance or equipment is subject to the permit and licensing requirements of these regulations.
 - (c) Utility companies working within utility easement and other locations provided by technical codes.
 - (d) Persons working within federal and state highway easements and right of ways.
 - (e) Persons working with railroad right of ways.
 - (f) Owner-occupants of a single family dwelling.
 - (g) Installers of Class 1, Class 2, and Class 3 electrical systems, 50 volts nominal or less, A.C. or D.C. current. This provision shall include installers of fire, burglar and similar alarm systems.
- (C) **License Categories.**
The following license categories are hereby established. Additional allowances or limitations for the scope of work for a category shall be noted herein.
- (1) Electrical Contractor. Unrestricted in the scope of undertaking the installation, alteration or maintenance of electrical systems and equipment.
 - (2) Master Electrician. May supervise an unlimited number of master and journey electricians. May directly supervise not more than two apprentices.
 - (3) Journey Electrician. May supervise an unlimited number of master and journey electricians. May directly supervise not more than two apprentices.
 - (4) Residential Electrician. May install electrical systems in one and two family dwellings. May supervise an unlimited number of master, journey or residential electricians in the installation of systems in one and two family dwellings. May directly supervise not more than two apprentices during the installation of systems in one and two family dwellings. A residential electrician shall work within the scope of an apprentice when not working on systems in one and two family dwellings.
- (D) **Qualification for Licensure.**
Any person desiring to obtain a license provided in these regulations, shall first be certified in the respective category.

- (E) **Application for Licensure.**
Any person desiring any category of license provided by these regulations shall make application to and as prescribed by the enforcing authority.
- (F) **Issuance.**
- (1) Electrical Contractor. The person desiring licensure shall make application, display personal identification and a master certificate of competency, file a five thousand dollar (\$5,000) surety bond, and pay the required fees to the enforcing authority.
 - (2) Master, Journey and Residential Electrician. The person desiring licensure shall make application, display personal identification and a certificate of competency, and pay the required fees to the enforcing authority.
- (G) **Application for Licensure.**
Any person desiring to obtain a license shall make application as prescribed by the enforcing authority.
- (H) **Personal Identification.**
A valid drivers license may be used as identification.
- (I) **Certificate of Competency.**
The person seeking licensure shall present the original certificate of competency. The enforcing authority may verify the contents with the issuing jurisdiction. The enforcing authority may request the person or issuing jurisdiction for additional information including examination score and examination date.
- (J) **Bond.**
Persons desiring to obtain a contractors license shall file a surety bond with the City Clerk, stating the company name, in the amount of five thousand dollars (\$5,000), made payable to the City of Lawrence, with an annual expiration date of December 31. Bonding companies form shall be used.
- (K) **Fees.**
The fees for licensing categories shall be in the amount of:
- | | |
|-------------|-----------------------------|
| Contractor | Two Hundred Dollars (\$200) |
| Master | Twenty Dollars (\$20) |
| Journey | Twenty Dollars (\$20) |
| Residential | Twenty Dollars (\$20) |
- The enforcing jurisdiction shall issue the license holder a license card. The license card shall state the expiration date and serve as official notice of the same.
- (L) **Validity.**
Every valid license shall remain in force and effect through the expiration date. The 31st day of December of a year shall be the licensing expiration date. Licenses not renewed on or before the 31st day of December shall expire.
- (M) **Expiration.**
Persons possessing an expired license shall immediately forfeit all privileges awarded to the respective licensing category. Valid licenses may be renewed on or before the expiration date. Expired licenses may be renewed under penalty.

(N) **Renewals.**

Licenses shall be renewed each year. Persons holding valid licenses may renew on or before the expiration date in the amount prescribed herein.

The fees for license renewals shall be in the amount of:

Contractor	Fifty Dollars (\$50)
Master	Ten Dollars (\$10)
Journey	Ten Dollars (\$10)
Residential	Ten Dollars (\$10)

(O) **Renewals Under Penalty.**

Expired licenses may be renewed under penalty at a cost twice the amount of the license renewal fee for a period not to exceed thirty-one (31) days after the expiration date (January 31st).

(P) **Transfer.**

A license issued pursuant to the provisions of these regulations shall be not transferable.

(Q) **Display.**

A person who is licensed under provisions of these regulations shall carry on their person the license card issued by the enforcing jurisdiction when performing electrical work within the scope of these regulations. The person shall display the license card upon the request of the enforcing authority when the person is performing electrical work within the scope of these regulations. (Ord. 6400)

5-408

PERMITS, INSPECTIONS AND INVESTIGATIONS, GENERALLY.

Permits.

(1) Permits Required. Except as specified in Subsection 2 of this Section, no building, structure or system regulated by these regulations shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless appropriate permits for each contractor of record have first been obtained from the enforcing authority.

(2) Exempted Work. A permit shall not be required for the types of work in each of the separate classes of permits as listed below. Exemption from the permit requirements of these regulations shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

(a) Electrical Permits. An electrical permit shall not be required for the following:

- (1) The installation of appliances by means of a cord or cable or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the National Electrical Code.
- (2) Repair or replacement of permanently fixed motors, transformer, ballasts, lighting fixtures and amps, or permanently fixed approved appliances of the same type and rating in the same location.
- (3) Temporary decorative lighting.
- (4) Repair or replacement receptacle outlet and general-use snap switch devices.
- (5) Maintenance of electrical systems.
- (6) Replacement of overcurrent devices of the required capacity.
- (7) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

- (8) Complete demolition of an electrical system.
- (9) Temporary wiring for experimental purposes in suitable experimental laboratories.
- (10) The wiring for temporary theater, motion picture or television stage sets.
- (11) Except for alarm systems, all electrical wiring, devices, appliances, apparatus or equipment operating at less than 50 volts nominal, AC or DC.
- (12) Class II and III systems as provided in the National Electrical Code.
- (13) Installations and areas not within the scope of the National Electrical Code. (Ord. 6400)

5-409

PERMITS.

- (A) To whom permits may be issued.
Only a contractor of record or an agent representing and authorized by the contractor of record; or owner occupants of single family dwellings; or other persons permitted by these regulations shall be permitted to obtain a permit.
- (B) Applicant for permit.
 - (1) To obtain a permit, the applicant shall first file an application in writing, on a form furnished by the enforcing authority for that purpose.
 - (2) To obtain a permit, the applicant shall first furnish to the enforcing authority all pertinent data on forms or as required by the enforcing authority prior to the issuance of the permit. When received by the enforcing authority, the permit application form shall indicate all contractors of record. An application form containing omissions, inaccuracies or false information shall be rejected by the enforcement authority. The application form may be resubmitted to the enforcement authority after corrections are made.
- (C) Plans and specifications.
Plans, engineering calculations, diagrams and other data shall be submitted in one (1) or more sets with each application for a permit. All such data shall be prepared by or under the direct supervision of an engineer or architect as required by the State Statutes of Kansas. All said plans, specifications, and other data so furnished shall bear the engineer's or architect's seal. Said engineer and/or architect shall provide where necessary a list of all special inspections and tests that will be required to insure the integrity of the system's design.

Exception: Provided, the enforcing authority may require certain system components be evaluated and certified by an engineer or architect. These conditions are not required to be prepared by an engineer or architect.
 - (a) Systems installed in or about newly constructed one or two family dwellings and accessory buildings located on the premises.
 - (b) Systems installed in or about additions to one or two family dwellings.
 - (c) Systems installed in or about newly constructed three family dwellings and accessory buildings located on the premises.
 - (d) As provided by the Kansas State Statutes.

- (D) Information on Plans and Specifications.
Plans and specifications, when required by these regulations, shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of work proposed and show in detail that it will conform to the provisions of the technical codes and all relevant laws, ordinances, rules and regulations.
- (E) Owner-occupant of a single-family dwelling.
An owner-occupant of a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such dwelling may apply and secure a permit to perform work under the following conditions:
- (a) A letter shall accompany the permit application stating the owner shall perform the work, shall request inspections and make necessary corrections as provided by these regulations and shall live in the dwelling for a minimum of one year from date of completion. The letter shall also state that where in the judgment of the enforcing authority, the owner's knowledge or abilities are lacking, the enforcing authority may require a contractor to complete the work at the owner's expense.
- (b) Plans, specifications and calculations shall be submitted with the permit application as required by these regulations.
- (F) Permit Application Disapproval.
A permit application may be rejected by the enforcing authority when the enforcing authority determines that the plans and specifications are deficient in content.
- (G) Permit issuance.
- (1) Issuance. The application, plans, specifications, computations and other data, filed by an applicant for permit shall be reviewed by the enforcing authority. Such plans may be reviewed by other department of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the enforcing authority finds the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of these regulations and the technical codes and other pertinent laws and ordinances, and that the fees specified have been paid, the enforcing authority shall issue a permit therefore to the contractor(s) of record. Approved plans and specifications shall not be changed, modified or altered without authorization from the enforcing authority, and all work regulated by these regulations shall be done in accordance with approved plans.
- (2) Retention of Plans. One (1) set of approved plans and specifications, with computations, shall be retained by the enforcing authority.
- (3) Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any provisions of these regulations or the technical codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of these regulations or of other ordinances of the jurisdiction shall not be valid. The issuance of a permit based upon plans, specifications and other data shall not prevent the enforcing authority from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing operations being carried on thereunder when in violation of these regulations or of any other ordinances of this jurisdiction. Installation of systems shall be according to the approved plans. Any deviation from the approved plans shall first be submitted by the contractor of record to the enforcing authority for approval. The enforcing authority may stop in part or in whole, work within the scope of the permit until time the enforcing authority approves the change and the order to proceed is given. Installation of systems deviating from the approved plans shall be cause for

the enforcing authority to immediately issue a stop work order for in part or in whole, work within the scope of the permit. The enforcing authority may require the removal of the physical deviation, the submittal of plans and specifications for or any other remedies necessary to comply with these regulations. Subject to the satisfaction of the enforcing authority, the stop work order shall be rescinded and the order to proceed shall be given.

- (4) Expiration. Every permit issued by the enforcing authority shall be issued under these regulations and shall expire by limitation and become null and void under the provisions of the Uniform Building Code.
- (5) Suspension or Revocation. The enforcing authority may, in writing, suspend or revoke a permit issued under the provisions of these regulations and the technical codes whenever the permit issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or the provisions of these regulations.

(H) Fees.

- (1) General. Fees shall be assessed in accordance with the provision of this Section.
- (2) Permit Fees. The fee for each permit regulated by these regulations shall be as set forth in the Uniform Building Code as adopted by the City.
- (3) Change in Contractor of Record. When a permit has been issued, and prior to or after work commences, the contractor of record withdraws and is replaced with another contractor, the enforcing authority may require the newly designated contractor of record to pay a fee to the City for recording the change. (Ord. 6400)

5-410

INSPECTIONS AND INVESTIGATIONS.

(A) General.

- (1) Authority to inspect or investigate. Where premises wiring systems within the jurisdiction of this City are under construction, alteration or added to shall be inspected by the enforcing authority. All existing premises wiring systems within the jurisdiction of this City are subject to inspection or investigation by the enforcing authority should circumstances warrant.
- (2) Response to request. The inspection or investigation of a premises wiring system shall be initiated by responding to requests by contractors of record, requests by other enforcing authorities responsible for the enforcement of laws or other technical codes of this jurisdiction, requests by a property owner or agent thereof, requests concerning lawful matters by the general public, or inquiries initiated by the enforcing authority where there is reasonable cause.
- (3) Inspection or investigation requests. Requests for an inspection or an investigation shall be directed to the enforcing authority. A written procedure for submitting requests may be obtained.
- (4) Response to requests. The enforcing authority shall respond to an inspection or investigation request by, 1) conducting an inspection or investigation, b) pursuing a remedy by all means available to the enforcing authority, c) returning the request to the requestor because the remedy is not within the scope of these regulations, or d) returning the request to the requestor because the enforcing authority determines the remedy is not unique to these regulations.

(B) Inspections.

- (1) Accessibility. It shall be the duty of the contractor of record to cause the work to remain accessible and exposed for inspection purposes. Neither the enforcing authority nor this jurisdiction shall be liable for expenses entailed in the removal or replacement of any material required to allow inspection.
 - (2) Approval Required. Work shall not continue beyond the scope of a required inspection without first obtaining the approval of the enforcing authority. The enforcing authority, upon proper request, shall make the inspections and shall either indicate that portion of the construction is satisfactory as completed, or shall indicate wherein the same fails to comply with these regulations. Such indication shall be posted on the premises or the contractor of record may be notified by the enforcing authority. Any portions of construction not complying shall be corrected and such portion shall not be covered or concealed until authorized by the enforcing authority.
- (C) Connection to Utilities.
- (1) Energy connections. No person shall make connections from a source of electricity to premises wiring system which is regulated by the technical codes and for which a permit is required by these regulations until approved by the enforcing authority.
 - (2) Temporary Connections. The enforcing authority may authorize the temporary connection of premises wiring system to the source of electricity for the purpose of testing systems, or for use under a temporary certificate of occupancy. Certificates of occupancy shall be regulated by the Uniform Building Code as adopted by the City.
- (D) Fees.
- (1) General. The enforcing jurisdiction may charge the recipients inspection fees for services not inclusive in a permit.
 - (2) Special Inspection. In addition to the required inspections, special inspections may be required by the enforcing authority. Costs incurred for a special inspection shall be paid by the recipient of the services.
 - (3) Territorial Inspection. The enforcing authority may designate inspection territories within the jurisdiction, each may have specific inspection times of the day and other designations. A penalty fee may be assessed to the contractor of record where a proper inspection was requested and in result, scheduled by the enforcing authority.
 - (4) Re-inspection. Where a proper inspection request is received by the enforcing authority and in result makes inspection and cites a violation, where the second proper request is received to inspect the remedy of the same cited violation and is disapproved, the enforcing authority may assess the contractor of record a penalty fee where the third and subsequent proper requests are received for the purpose of inspecting the remedy of the same cited violation. (Ord. 6400)

5-411

UNLAWFUL ACTS.

It shall be unlawful for any person to do any of the following:

- (a) To perform or cause to be performed any work that requires a permit without having first secured the appropriate permit.

- (b) For a person or persons through negligence or indifference to knowingly create an unsafe condition and/or allow an unsafe condition to exist.
- (c) To perform or caused to be performed any electrical work that requires the services of a duly authorized and licensed contractor.
- (d) For any person to conduct, carry on, or engage in the business of electrical contracting without having first obtained a valid, current contractor's license.
- (e) For any person holding a current, valid contractor's license to employ any other person or persons to perform any work requiring a license and who does not hold a current, valid license.
- (f) For any person to perform work which requires a license without having first obtained a current valid license.
- (g) For any person to employ any person as an apprentice to perform any work without providing proper supervision. Not more than two (2) apprentices will be supervised by one (1) licensed person.
- (h) To violate any other provision of this Article. (Ord. 6400)

5-412

STANDARD INSTALLATION, ELECTRICAL EQUIPMENT.

Except as otherwise provided in this Article, all installations of electrical wiring and equipment shall be in conformity with the provisions of this Article, with the Statutes of the State, and any other rules and regulations issued by authority thereof, and with electrical standards for safety to persons or property. Where no specific standards are prescribed by this Article, the Statutes of the State or by any orders, rules or regulations issued by authority thereof, conformity with the regulations set forth in the National Electrical Code, as approved by the American Safety Code as approved by the American Standards Association, and the other provisions of other safety codes approved by the American Standards Association, shall be prima facie evidence of conformity with the approved standards for safety to persons and property. (Ord. 6400)

5-413

LIABILITY.

- (a) These regulations shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, structure, or system thereof for any damages to persons or property caused by defects, nor shall the enforcing authority or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by these regulations or any permits or certificates issued under these regulations.
- (b) These regulations shall not be construed to relieve or lessen the liability of any person constructing, altering, adding to or repairing buildings, structures, or systems for damages to anyone injured thereby, nor shall the City be held as assuming liability by reason of the inspection authorized herein or certificates, licenses, and permits issued pursuant to the provisions herein. (Ord. 6400)

5-415

VALIDITY.

Should any section, subsection, paragraph, clause or provision of this Article be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of this Article as a whole or any part thereof other than the part to be declared unconstitutional. (Ord. 6400)

5-416

PENALTY.

Any person violating any of the provisions of these regulations shall, upon conviction thereof, be guilty of a Class C misdemeanor. Each day that any such violation continues shall constitute a

separate offense. (Ord. 6400)

ARTICLE 4A. UNDERGROUND WIRING DISTRICTS

5-4A01

ARTICLE DEFINITIONS.

Definitions of terms as used in this Article shall be as follows:

- (A) Underground Wiring District shall mean an area in the City within which poles, overhead wires, and associated overhead structures are prohibited by this Article.
- (B) Poles, Overhead Wires and Associated Overhead Structures shall mean and include, but not be limited to poles, towers, supports, wires, conductors, guys, stubs, platforms, cross-arms, braces, line transformers, insulators' cut-outs, switches, communication circuits, appliances, attachments and appurtenances located above ground upon, along, across or over the streets, alleys and easements, and used in supplying electric, communication, or similar or related service. (Ord. 5909, Sec. 2)

5-4A02

UNDERGROUND WIRING REQUIRED IN CERTAIN AREAS.

The Governing Body of the City does hereby find and determine that the public interest requires that all poles, overhead wires, and associated overhead structures used in supplying electric, communication, or related service to be constructed within an underground wiring district in the City be placed underground in order to promote and preserve the health, safety and general welfare of the public and to improve the appearance and the orderly development of the City. From and after June 22, 1976, it shall be unlawful, except as specifically provided herein, for any person or utility to erect, construct, use or maintain any pole, overhead wires and associated overhead structures within an underground wiring district. (Ord. 5909, Sec. 2)

5-4A03

UNDERGROUND WIRING DISTRICTS ESTABLISHED.

- (A) The Governing Body finds and determines that the public interest requires that all areas within the City, platted and unplatted, which are not developed and which do not have any electrical or communication services installed on June 22, 1976, are hereby declared to be underground wiring districts. The subdivider, developer, or owner of any such area or portion thereof shall make the necessary arrangements for the installation of underground facilities, including circuits for street lights and traffic signals that may be required by the City. Such arrangements shall be made with each of the companies or persons supplying the electrical and communications service therein, in accordance with the established charges of such company or person. Letters from each of such companies or persons, indicating that the arrangements have been made, shall be submitted to the planning department at the time the final subdivision plat is filed.
- (B) Nothing in this Article will prevent a subdivider, developer, or owner making arrangements with a private contractor, qualified to the satisfaction of the utility involved, for the installation of underground facilities in accordance with the established specification of the companies controlling the utilities or communications service. (Ord. 5909, Sec. 2)

5-4A04

EXCEPTIONS TO UNDERGROUND WIRING REQUIREMENTS.

Exceptions to underground wiring requirements in the City shall be as follows:

- (A) Temporary Exceptions. The City Manager, or his or her designee, may grant special permission in cases where temporary electrical power or communication service is reasonably required for emergencies or for building construction purposes, or for other temporary purposes, to erect, construct, install or maintain poles, wires and other overhead structures for a period not to exceed 120 days. However, in the event the purpose for which the temporary exception referred to herein granted cannot be completed within the period herein provided, because of a shortage of materials, a natural disaster, strikes, or other circumstances beyond the control of the parties, or by unusual hardships, then the

time may be extended an additional temporary period or periods necessary to allow completion of such construction.

- (B) Permanent Exceptions. The provisions of this Article shall not apply to any of the following uses in the underground wiring district:
- (i) Three phase primary electric distribution or transmission lines with capacities of 12KV or greater rated at a minimum of 300 amps which do not traverse the underground wiring district except which are necessary to provide service thereto.
 - (ii) Poles, overhead wires, and associated overhead structures, when part of an existing line originating in an area outside the underground wiring district, may remain in the underground wiring district. All future wiring shall be underground. Nothing in this Article will prevent the replacement of poles, overhead wires and associated overhead structures on these lines when necessary for the purpose of maintaining the line or altering the capacity thereof, or in the case of single phase lines, the addition of the necessary facilities to three phasing of the line.
 - (iii) Radio and television antennae.
 - (iv) Structures on corner lots, in streets and alleys, and on easements adjacent thereto, in an underground wiring district, in cases where electrical and communication wires cross a street or other district boundary from an area where overhead wires are not prohibited, may be connected to the overhead wires, and hereby are exempt from the provisions of this Article.
 - (v) Poles used exclusively for street or area lighting or for traffic control facilities.
 - (vi) Electric substations and the accompanying equipment and apparatus necessary to provide adequate electric service to those persons located within an underground wiring district or in the surrounding area.
- (3) Special Exception. Notwithstanding any other provisions of this Article, the Governing Body may grant special exceptions on a permanent or temporary basis to the provisions hereof on such terms as the Governing Body may deem appropriate in cases of emergency or unusual circumstances to any party to erect, construct, install, maintain, use or operate poles and overhead wires and associated overhead structures within any underground wiring district.
- (4) Floodplains and Drainage Easements. The installation, placement or maintenance of live front underground electrical structures shall be prohibited in all floodplains, floodways and drainage easements. Where electrical or communication equipment must cross a floodplain, floodway or drainage easement they shall be installed as to be reasonably free from flood or storm water runoff damage and the intrusion of ground water. Provided, that electrical structures and equipment installed prior to the effective date of this ordinance shall be governed by the provisions of this Article in effect prior to the effective date of this ordinance. (Ord. 6991)
- (5) Hold Harmless. The utility, its successors and assigns, shall save and hold harmless the City, from all liability, costs, damages, and expenses of every kind, for the payment of which the City may become liable to any person, firm, or corporation by reason of any negligence by the utility in the construction, maintenance, and operation of its utility system within the City.
- (6) Penalty. Any person or utility who shall erect, construct, place or operate any such pole, overhead wire, or associated overhead structure within an underground wiring district in violation of this Article or who shall otherwise fail to comply with the provisions of this

Section, upon conviction thereof, shall be punished by a fine not to exceed \$500 for each offense. (Ord. 5284 ; Ord. 5638; Ord. 5909, Sec. 2; Ord. 6591, Ord. 6991)

ARTICLE 4B. SITING OF UTILITY FACILITIES

5-4B01

DEFINITIONS.

Definitions of terms as used in this Article, unless the context otherwise requires, shall be as follows:

- (A) Construct, Construction, Reconstruction or Rerouting. The act of placing or siting electric lines, poles and appurtenances, with voltages equal or in excess of 69 KV, but not including 230 KV or greater if the line is over five (5) miles in length, upon the right-of-way and public easements of the City and the private easements and right-of-way of the franchised utility, including the upgrading of electric lines sited at the time of the adoption of this ordinance. Such terms shall not include necessary and appropriate maintenance or repair to existing electric lines, as long as the changes are state of the art and similar in size and capacity.
- (B) Franchised utility. An investor-owned company that holds a franchise with the City to use the public right-of-way and utility easements in the conduct of business.
- (C) KV. Kilovolts. (Ord. 6423)

5-4B02

PERMIT REQUIRED, PERMIT CONTENTS.

- (A) At least forty-five days (45) days, prior to the construction, reconstruction or rerouting of any electric lines, poles and appurtenances, with voltages equal to or in excess of 69 KV, but not including 230 KV or greater if the line is over five (5) miles in length, on City right-of-way or public easements and private easements and right-of-way of the franchised utility, the franchised utility shall submit an application for a permit to the City Clerk.
- (B) If such permit application has not been approved or disapproved, or a public hearing on the permit application scheduled for a future date, within sixty (60) days from submission of the permit application, the permit shall be deemed approved and valid.
- (C) A franchised utility shall not construct, reconstruct, or reroute an existing or new electric line with voltages equal to or in excess of 69 KV up to, but not including 230 KV if the line is over five (5) miles in length, upon the public right-of-way or public easements and private easements and right-of-way of the franchised utility without a permit approved by the City Commission. Such permit application shall include the information below for the preferred and at least two (2) other alternative constructions the franchised utility has considered. Upon request of the franchised utility, the City Commission may waive the requirement for application information on alternative constructions.

The permit application shall include the following information:

- (1) A general description of the proposed electric line design, including wire configuration; average, maximum and minimum current expected; projected electromagnetic fields; length of the line; number of angle and dead end structures; right-of-way width and total acres of right-of-way needed; number of buildings (homes, schools, playgrounds) within 100 feet of the line; number of highway and river crossings;
- (2) A map showing the approximate alignment and proposed pole locations, including the size and height of poles;

- (3) The preferred construction schedule and time line for construction;
- (4) The estimated cost of the preferred construction and its alternatives;
- (5) The justification for the preferred route with all criteria used in making that selection from among the alternatives examined;
- (6) The estimate by the franchised utility of the general effects on adjacent property owners and the public at-large from the proposed construction;
- (7) Such other information as may be appropriate and required by the City from time to time. (Ord. 6423)

5-4B03

PUBLICATION, NOTIFICATION, AND PUBLIC HEARING.

- (A) PERMIT APPLICATION RECEIVED BY CITY COMMISSION. The City Commission shall receive all permit applications at a public hearing after notice and publication pursuant to subsection (b).
- (B) NOTICE AND PUBLICATION OF PERMIT APPLICATION. The franchised utility shall provide for the publication of the notice of the permit application in the official city newspaper at least thirty (30) days prior to the public hearing on the proposed project.

Such notice shall include information on obtaining a complete copy of the permit application. At the time of publication, the franchised utility shall notify in writing the owner(s) of record of property within 100 feet of 1) the boundary line of the public and franchised utility right-of-way for the proposed project and alternatives, and 2) the boundary line of the underlying public and franchised utility easements for the proposed project and alternatives. Such published notice and mailed notice shall include a description and summary of the proposed project and alternatives and the date and time of the public hearing. No defect in any notice or in the mailing thereof shall invalidate any proceedings or permit approval. (Ord. 6423)

5-4B04

PUBLIC HEARING ON PERMIT APPLICATION; APPROVAL OF PERMIT.

- (A) The City Commission shall conduct a public hearing concerning the permit application. The City Commission may consider any alternatives or information submitted by interested individuals or organizations. If the City Commission determines that inadequate information exists to make a determination on the permit application, the City Commission may require such additional public hearings as appropriate. The City Commission may also order additional information from the franchised utility relevant to the proceeding. The City Commission may consider the following criteria as it deems appropriate in granting or denying the permit application. The criteria may include, but are not limited to:
 - (1) The effects to the general health, safety, and welfare of the citizens and businesses of the community from the proposed construction, including any anticipated depreciation of property values due to proximity to lines and poles, the effects to community and neighborhood aesthetics from the lines and poles, the temporary and permanent effects to public facilities (e.g. sidewalks, green space) from the proposed construction, and the potential for health effects to the public from the proximity of electric lines and poles.
 - (2) The cost estimates of alternatives to the preferred construction, including the probable financial impact under applicable tariffs of the franchised utility if the permit for the preferred construction is denied and an alternative construction permit is approved.

- (B) The Commission may request the franchised utility to provide additional information concerning alternatives to the preferred construction, including alternative locations and designs, the cost of alternatives, and the financial impact under applicable tariffs of the franchised utility if the permit for the preferred construction is denied and an alternative construction permit is approved. The franchised utility shall provide such information as requested.
- (C) The Commission shall approve the permit application for the preferred construction or such alternatives as may be proposed. (Ord. 6423)

5-4B05

COST ACCOUNTING OF PERMITTED CONSTRUCTION.

A franchised utility shall provide to the City Commission an accounting of all costs associated with the construction conducted under an approved permit pursuant to this Article. The cost accounting shall be pursuant to the form required by the State Corporation Commission for the accounting of similar utility costs. (Ord. 6423)

5-4B06

PENALTY/REVOCAION OF FRANCHISE FOR VIOLATION OF ARTICLE. The construction, reconstruction or rerouting of electric lines, poles and appurtenances without a permit as required by this Article is a violation of this Article and shall be punishable, upon conviction, by a fine not to exceed \$1000.00. Each consecutive day's violation shall constitute a separate punishable offense. In addition or in the alternative, the City Commission may consider such violation as a breach of the applicable franchise agreement and may, pursuant to provisions thereof, revoke the franchise of the utility. (Ord. 6423)