

ORDINANCE NO. 2384

AN ORDINANCE TO AMEND THE CITY OF CUDAHY CODE OF ORDINANCES PERTAINING TO CHANGES IN STATE ELECTRICAL CODE

WHEREAS, a review of Cudahy Chapter 16, Electrical Code, needs adjustments given the April 1, 2013 effective date of 2007 Wisconsin Act 63, which changes the Electrical Licensing landscape in the State of Wisconsin; and,

WHEREAS, the Administrative Code Section concerning electrical matters, originally under the authority of the Department of Commerce and referenced as “COMM”, was put under the authority of the Department of Safety and Professional Services and was moved and is now referenced as “SPS”; and,

WHEREAS, changes to the Cudahy Electrical Code in Chapter 16 may impact fees and licensing contained in alternate Chapters of our Code.

NOW, THEREFORE, the Common Council of the City of Cudahy Do Hereby Ordain as follows:

Section 1. The City of Cudahy Municipal Code together with amendments thereto is hereby amended, deleted or created as follows:

Create Section 12.36 to read as follows:

12.36 – BUILDING, PLUMBING, AND ELECTRICAL ADMINISTRATIVE FEES.

In addition to permit fees required in Chapters 14.06, 15.10, and 16.19, there shall be an administrative processing fee of \$15.00 for each application for permit and/or inspection.

Rescind & Recreate Section 14.05(1) to read as follows:

(1) APPOINTMENT. See § 1.22 of this Municipal Code. The Building Inspector shall be certified for inspection purposes by the State in the required categories specified under Ch. SPS 305 § 26.06, Wis. Adm. Code.

Rescind & Recreate Section 14.08 to read as follows:

14.08 - ADOPTION OF CODES.

The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

SPS Chs. 320 - 325	Uniform Dwelling Code
SPS Ch. 328	Smoke Detectors
SPS Chs. 360 - 366	Wisconsin Commercial Building Code
SPS Chs. 375 - 379	Existing Building Codes

Rescind & Recreate Section 14.09 to read as follows:

14.09 - SCOPE OF UNIFORM DWELLING CODE EXPANDED.

Except for those items addressed in the "Southeast Wisconsin Alterations and Remodeling Standards", and notwithstanding SPS 320.05 Wis. Adm. Code, the scope of the Wisconsin Uniform Dwelling Code is revised to include for the purposes of this chapter: (Am. #2152)

Additions, alterations and major equipment replacements for one-family and 2-family dwellings built prior to June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under SPS 320.19 and 320.21 Wis. Adm. Code, respectively, shall be decided by the Municipal Board of Appeals. Petitions for variance shall be decided per SPS 320.19 (Intro), Wis. Adm. Code, so that equivalency is maintained to the intent of the rule being petitioned. As the Board of Appeals approves petitions for variance, the Chief Inspector is granted the power to apply the results to similar circumstances by precedent. Where a conflict or contradiction exists between this Code and SPS Chs. 320 – 325, Wis. Adm. Code, the Uniform Dwelling Code shall take precedence.

Rescind & Recreate Subsections 14.13(2) and (3) to read as follows:

(2) WALL AND ROOF CONSTRUCTION. Wood frame walls and roofs shall be built in accordance with the requirements of SPS 321, Wis. Adm. Code.

(3) MASONRY GARAGE. The wall and foundation requirements shall be constructed in accordance with SPS 321.15, 321.16, 321.18 and 321.26, Wis. Adm. Code. The wall and foundation requirements for masonry garages shall require a footing and foundation in accordance with SPS 321.15, 321.16, 321.18 and 321.26, Wis. Adm. Code.

Rescind & Recreate Section 15.01(1) to read as follows:

(1) ADOPTED BY REFERENCE. (Am. MSC '86) Ch. 145, Wis. Stats., and the State Plumbing Code, Chs. SPS 381 through 386 Wis. Adm. Code, are adopted and by reference made a part of this chapter with the same force and effect as though set out in full. Failure to comply with any of the provisions of such regulations shall constitute a violation of this chapter, punishable according to the penalties provided herein.

Rescind & Recreate Section 15.14(4) and (5)(a)2. to read as follows:

(4) NEW WATER SERVICE. (Am. #1476) Any new water service pipe and private water mains shall conform to one of the standards listed in SPS Table 384.30-8, Wis. Adm. Code. Pipe and tubing for water services and private water mains shall have a minimum working pressure of 150 psig at 73.4° F.

(5) WATER SERVICES AND PRIVATE WATER MAINS SUBJECT TO EASEMENT. (Cr. #1476)

(a) Materials for water services and private water mains which are to be located within or beneath an area subject to an easement for a highway, street or public service right-of-way shall conform to the following:

1. Any 2 inch or smaller water service shall be constructed with soft temper copper water tube.
2. Any water service 3 inches or larger shall be constructed of ductile iron fittings as indicated in SPS Table 384.30-8 and SPS Table 384.30-11, Wis. Adm. Code.

Rescind & Recreate Section 16.02 to read as follows:

16.02 - ADOPTION OF THE WISCONSIN STATE ELECTRICAL CODE.

Chapter SPS 316, Wis. Adm. Code, and all amendments thereto are hereby adopted by reference and made a part of this chapter. The City takes the responsibility of electrical inspection of public buildings and places of employment pursuant to SPS 316, subchapter IV. The City shall employ a State certified Commercial Electrical Inspector (COMEL). Except as otherwise regulated by this chapter, all installations of electrical equipment shall conform to and comply with the State Electric Code, the Statutes of the State, and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property.

In addition to the above, the following regulations shall be enforced in the City:

- (1) RESIDENTIAL GARAGES. (Am. #2149) The wiring installation to residential detached garages and/or accessory buildings shall be on a separate circuit.
- (2) NATIONAL ELECTRIC CODE WIRING METHODS. (Am. #2149) Chapter 3 of the National Electrical Code wiring methods and materials shall apply to all buildings with these exceptions:
 - (a) In detached garages and/or accessory buildings listed cables shall be used for concealed wiring only, except Non-metallic sheathed cable, which may be installed in detached accessory structures associated with a one or two family dwelling in accordance with Article 334 of the National Electric Code.
 - (b) In a detached garage/garages a single main disconnect switch shall be provided.
 - (c) Overhead electrical wiring is prohibited to signs.
- (3) Only plastic staples, straps and box clamp devices which provide flat parallel pressure on both sides of the cable shall be used.
- (4) Listed raceways shall be used for all overhead service entrance conductors.
- (5) SERVICE WIRING.
 - (a) One main safety disconnect switch shall be installed for each metered service. The service disconnecting means shall have a rating of not greater than the size of the service conductor (entering building).
 - (b) No electrical permit shall be issued for electrical service unless the outlet location letter from the electric company showing interrupting capacity and service location is sent or brought along with the permit, except for residential services of 200 amperes or less.

Rescind & Recreate Section 16.03(3) to read as follows:

- (3) In all respects, the City Electrical Inspector shall comply with the provisions of SPS 316, Wis. Adm. Code.

Rescind & Recreate Section 16.14 to read as follows:

16.14 – LICENSING FOR ELECTRICAL WORK. No person shall engage in electrical wiring within the City without first having obtained the Electrical contractor license required under Ch. 101.862, Wis. Stats.

A person or entity that holds an electrical contractor license shall include his or her license number on all construction documents.

Rescind & Recreate Section 16.15 to read as follows:

16.15 - MAINTENANCE LICENSE.

Pursuant to s. 101.862, Wis. Stat., no person or entity, as of April 1, 2013, may engage in the business or offer to engage in the business of installing, repairing, or maintaining electrical wiring unless the person or entity holds a license or certification issued by the department as a licensed electrical contractor, except as provided under s. 101.862 (4), Wis. Stat.

A person or entity that holds an electrical contractor license shall include his or her license number on all construction documents.

Rescind & Recreate Subsections 16.18(1) and (4) to read as follows:

(1) PURPOSE. To safeguard life and property from electrical hazard there is hereby created an Electrical License and Examining Board.

(4) POWER AND DUTIES. To periodically review and make recommendations regarding the electric wiring regulations applied to all installations except as modified by the Department of Safety and professional Services and to hear appeals as provided in this chapter.

Rescind & Recreate Section 16.19(1) to read as follows:

(1) APPLICATION.

(a) The Electrical Inspector shall issue permits for the erection of electrical installations for light, heat, power, communication, signal, alarm, coaxial and data cabling as covered within the scope of the Wisconsin State Electrical Code, upon the filing of proper applications, which shall be made on forms furnished by the Electrical Inspector and shall prescribe the nature of the work as well as such other information as may be required for inspection. In no case shall any such electrical work be done unless a permit has been obtained.

(b) The following are exceptions:

1. Any person manufacturing or repairing electrical apparatus and equipment and employing a competent electrician shall not be required to have a permit for their testing equipment.

2. No permit shall be required for portable devices such as grinders, drills, indoor portable signs, washing machines, vacuum cleaners, radios, electric refrigerators, and similar devices not permanently wired but intended to be connected to the

circuit by a flexible cord and plug. However, proper approved wiring is to be installed, together with approved receptacle and attachment plug.

3. No permit shall be required for minor repair work such as repairing drop cords, flush and snap switches, replacing fuses or changing lamp sockets.

4. No permit shall be required for the installation, alteration or repair of electrical generation, transmission or distribution equipment owned and operated by an electrical utility company or the City.

5. No permit shall be required for the installation, alteration or repair of signal or communication equipment where such equipment is owned and operated by a public utility or the City.

6. One and two family dwellings are exempt from permitting communication, signal, alarm, coaxial and data cabling, however State electrical code compliance will be the owner's responsibility.

Create paragraphs 16.19(2)(pp) through (ss)

(pp) A person engaged in installing, repairing, or maintaining electrical wiring, apparatus, or equipment for elevators and escalators: \$35.00 per car.

(qq) A person engaged in installing, repairing, or maintaining equipment or systems that operate at 100 volts or less: \$2.00 per communication outlet with a \$50.00 Minimum.

(rr) A person engaged in installing, repairing, or maintaining an electronic system designed to monitor a premises for the presence of an emergency, to issue an alarm for an emergency, or to detect and summon aid for an emergency: \$2.00 per outlet with a \$50.00 Minimum.

(ss) A person engaged in installing, repairing, or maintaining manufactured equipment or a manufactured system that is designed to provide a function that is not primarily electrical in nature if the installation, repair, or maintenance does not involve the modification or installation of conductors beyond the disconnecting point or beyond the last junction, pull, or device box, whichever is nearer to the point where the person is performing the installation, repair, or maintenance: Regular electrical fee (Affidavit is not acceptable).

Rescind & Recreate Section 16.19(3)(e) to read as follows:

(e) Only fished or exposed work qualifies for this type of permit, the intent is such that one inspection may occur if the electrical inspector exercises his authority. If a violation is cited of such installation the correction(s) shall be completed within 5 days of written notice and a reinspection fee shall be enforced, per chapter § 16.19(2)(ff).

Rescind & Recreate Section 16.26 to read as follows:

16.26 - APPEALS.

Any person affected by a local order which may be in conflict with a provision of this chapter may petition the Cudahy Board of Electrical Examiners for a hearing on the grounds that the local order is unreasonable and in conflict with the provision of this chapter.

All appeals shall be acted on and a decision in writing shall be issued by the Cudahy Board of Electrical Examiners within 30 business days of receiving an appeal.

Petitions filed shall be accompanied by fees in accordance with § 16.19(2)(ii). No appeal shall be processed until such fees are paid in full.

Repeal Subsection 15.10(3.01).

Repeal Section 16.13 - License Qualifications and Revocation

Repeal 16.16 - License Nontransferable

Repeal 16.17 – Revocation and Suspension

Section 2. If any part, or parts, of this ordinance are invalid, it shall not invalidate the entire ordinance.

Section 3. All ordinances, or part of Ordinances, contravening the provisions of this ordinance are hereby repealed.

Section 4. This ordinance shall take effect, and be in force, from and after April 1, 2013.

Introduced by the Electrical Board.

Passed and approved this _____ day of _____, 2013.

ANTHONY DAY, Mayor

Attest:

DENNIS BRODERICK, City Clerk

ADOPTED: _____
APPROVED: _____
City Attorney
PUBLISHED: _____

Prepared By: **PAUL T. EBERHARDY,**
Wis. State Bar No. 1045304