

# ENROLLED

LEGISLATIVE SESSION, 2012  
BILL NO.2012-16

Introduced: November 20, 2012

BY: The Council President at the request of the County Executive

**AN ACT** to amend Chapter 138, titled "Electrical Standards", Section 138-3, titled "Definitions"; Section 138-5, titled, "Removal of members"; Section 138-15, titled "Fees and bonds"; Section 138-19, titled "Revocation of certificates"; Section 138-24, titled "Inspections; permits", a new Section 138-24.1, titled "Electrical Inspectors and Inspection Agencies", and Section 138-25, titled "Violations and penalties" to regulate Electrical Inspectors and Inspection Agencies, to classify violations of the electrical standards as a civil infractions, to define certain terms, to correct typographical errors and to empower the Wicomico County Department of Planning, Zoning and Community Development to issue citations to violators on behalf of the Wicomico County Board of Electrical Examiners.

## PREAMBLE

WHEREAS, The Wicomico County Code, Chapter 138, titled "Electrical Standards," sets the standards for electrical work in the County to protect and promote the health, comfort, safety and welfare of its citizens; and

WHEREAS, there are currently no provisions in the County Code to issue civil citations to anyone violating the electrical standards and the Wicomico County Board of Electrical Examiners is without any enforcement mechanism to ensure compliance with the electrical standards, except to pursue criminal charges; and

WHEREAS, it appears advisable upon the recommendation of the Executive, that the County Code be amended to add a provision to the County Code to categorize a violation as a civil infraction and allow the Wicomico County Department of Planning, Zoning and Community Development to issue civil citations and fines to those found violating the electrical standards.

**SECTION I.** BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMIC COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 138, titled "Electrical standards," Section 138-3, titled "Definitions"; Section 138-15, titled "Fees and bonds"; Section 138-19, titled "Revocation of certificates"; Section 138-24, titled "Inspections; permits", a new Section 138-24.1, titled "Electrical Inspectors and Inspection Agencies", and Section 138-25, titled "Violations and penalties" be and the same are hereby added, amended and enacted to read as follows:

Chapter 138  
Electrical Standards

\* \* \*

§ 138-3. Definitions.

\* \* \*

CERTIFICATE OF REGISTRATION, REGISTRATION OR CERTIFICATE- THE TERMS SHALL BE SYNONYMOUS WITH THE TERM LICENSE.

DEPARTMENT- THE WICOMICO COUNTY DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT.

\* \* \*

FARMSTEAD -- Any rural customer who uses electrical service in conjunction with the production and/or management of poultry, livestock (including dairy and swine) and crops in general or any other farming activity that produces an agricultural-type product for sale as an income. This facility must be served electrically at the premises through a single service point and shall have an occupied dwelling that is an integral part of the agricultural operation on the load side of the service.

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§ 138-5. Removal of members.

The County Executive may remove any member of the Board for misconduct, incompetency, neglect of duty or for any other sufficient cause. An excused UNEXCUSED failure to attend three consecutive meetings shall be deemed sufficient cause for removal.

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§ 138-15. Fees and bonds INSURANCE.

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B. Before any registration certificate will be issued, or any biannual renewal thereof, the applicant must furnish a good and sufficient bond meeting with the approval of the Board, in the name of Wicomico County, in the sum of \$5,000 for master electrician and \$3,000 for electrician general and \$3,000 for electrician limited, conditioned upon the faithful performance of any or all work entered upon or contracted for, and to save harmless the owner or real party in interest in the property for which any material is furnished or services performed by the applicant against loss, damage and injury resulting through want of skill or negligence on the part of the applicant, his agents or employees, provided that action is maintained thereon by such owner or real party in interest within one year from the date of installation of materials furnished or performance of such work or service; provided, however, that the aggregate liability of the surety for all such loss, damage or injury shall in no event exceed the sum of such bond. If any of the above referred to electricians have in effect SUBMIT PROOF AND CERTIFICATION OF COVERAGE UNDER a general liability insurance policy

with an insurance carrier approved by the Maryland State Insurance Commission with minimum limits of \$100,000 per occurrence and property damage insurance in the amount of \$300,000, ~~they will not be required to be bonded as hereinbefore set forth.~~ NOTICE OF CANCELLATION OF GENERAL LIABILITY INSURANCE OR PROPERTY DAMAGE INSURANCE, OR ANY CHANGE IN THE INSURED STATUS, SHALL BE FORWARDED TO THE BOARD WITHIN TEN (10) CALENDAR DAYS OF THE EFFECTIVE DATE OF THE INSURANCE CANCELLATION OR STATUS CHANGE.

- C. The ANNUAL registration fee for an electrical inspector shall be \$100. Electrical inspectors shall ~~be bonded or insured to the satisfaction of the Board~~ CARRY ERRORS AND OMISSIONS/PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT OF AT LEAST THREE HUNDRED THOUSAND (\$300,000).
- D. THE ANNUAL REGISTRATION FEE FOR A NON-GOVERNMENTAL INSPECTION AGENCY SHALL BE \$150. NON-GOVERNMENTAL INSPECTION AGENCIES SHALL CARRY ERRORS AND OMISSIONS/PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT OF AT LEAST THREE HUNDRED THOUSAND (\$300,000).

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§ 138-19. REPRIMAND, SUSPENSION OR Revocation of certificates.

- A. The Board may REPRIMAND ANY REGISTRANT, OR SUSPEND OR a revoke the certificate of registration of any registrant that is found guilty of:
  - (1) The practice of any fraud or deceit in obtaining a certificate of registration.
  - (2) Any gross negligence, incompetency or misconduct in supplying material or performing services as an electrical contractor.
  - (3) Permitting or causing defective electrical work, if done deliberately or if not corrected within 15 days, or longer if necessary, at the discretion of the Board, following notice thereof by the Board.
  - (4) ANY NEGLIGENCE, INCOMPETENCY OR MISCONDUCT IN PERFORMING SERVICES AS AN ELECTRICAL INSPECTOR OR AS AN ELECTRICAL INSPECTION AGENCY.

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§ 138-24. Inspections; permits.

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- ~~E. Electrical inspectors shall be qualified individually by the Board. In the case of an inspection agency, each individual inspector in the employ of such agency making inspections within Wicomico County shall be duly qualified by the Board. The Board shall issue a license to each individual electrical inspector~~

~~and may charge an annual fee therefor. In the event the electrical inspector is in the employ of an approved agency, the agency's name shall also appear on the license. Electrical inspectors shall be bonded or insured to the satisfaction of the Board. It shall be unlawful for any person to perform electrical inspections or hold himself out to the public as a qualified electrical inspector under the terms of this chapter unless duly licensed hereunder.~~

§138-24.1. ELECTRICAL INSPECTORS AND INSPECTION AGENCIES.

- A. THE BOARD SHALL ISSUE A CERTIFICATE OF REGISTRATION AS AN ELECTRICAL INSPECTOR TO ANY APPLICANT WHO HAS COMPLIED WITH THE REQUIREMENTS OF THIS CHAPTER AND WHO, IN THE OPINION OF THE BOARD, HAS SATISFACTORILY DEMONSTRATED THEIR QUALIFICATION TO INSPECT THE INSTALLATION OF ELECTRICAL WORK. ANY SUCH APPLICANT MUST BE CERTIFIED BY THE STATE FIRE MARSHAL, AS A "CERTIFIED NON-GOVERNMENTAL ELECTRICAL INSPECTOR" TO INSPECT ELECTRICAL INSTALLATIONS FOR CONFORMITY WITH THE NATIONAL ELECTRICAL CODE OR ANY ADOPTED LOCAL ELECTRICAL CODE OR AMENDMENTS. ELECTRICAL INSPECTORS MUST PLACE HIS/HER ELECTRICIAN LICENSE ON INACTIVE STATUS OR SHELVE SUCH LICENSE AS PROVIDED IN THIS CHAPTER.
  
- B. THE BOARD MAY ISSUE A CERTIFICATE OF REGISTRATION AS AN ELECTRICAL INSPECTION AGENCY TO ANY NON-GOVERNMENTAL ORGANIZATION WHICH HAS COMPLIED WITH THE REQUIREMENTS OF THIS CHAPTER AND WHO, IN THE OPINION OF THE BOARD, HAS SATISFACTORILY DEMONSTRATED THEIR QUALIFICATION TO INSPECT THE INSTALLATION OF ELECTRICAL WORK. IN DETERMINING THE QUALIFICATIONS OF AN INSPECTION AGENCY, THE BOARD OF ELECTRICAL EXAMINERS, SHALL CONSIDER THE RECORD OF THE INSPECTION AGENCY IN ANY JURISDICTION WITHIN OR WITHOUT THIS STATE, AS WELL AS OTHER OBJECTIVE INDICATORS RELATING TO THE QUALIFICATIONS OF THE AGENCY TO INSPECT THE INSTALLATION OF ELECTRICAL WORK.
  - (1) NO INSPECTION AGENCY SHALL BE ISSUED A CERTIFICATE OF REGISTRATION AS AN ELECTRICAL INSPECTION AGENCY UNTIL THE ELECTRICAL INSPECTORS OF SUCH AGENCY SHALL HAVE OBTAINED A QUALIFICATION CERTIFICATE.
  
  - (2) EACH INSPECTOR EMPLOYED BY AN REGISTERED ELECTRICAL INSPECTION AGENCY MUST PLACE HIS/HER ELECTRICIAN LICENSE ON INACTIVE STATUS OR SHELVE

SUCH LICENSE AS PROVIDED IN THIS CHAPTER AND MUST BE REGISTERED AS AN INSPECTOR WITH THE BOARD.

C. IT SHALL BE UNLAWFUL FOR:

- (1) ANY PERSON TO PERFORM ELECTRICAL INSPECTIONS OR HOLDS HIMSELF OUT TO THE PUBLIC AS A QUALIFIED ELECTRICAL INSPECTOR UNDER THE TERMS OF THIS CHAPTER UNLESS DULY LICENSED HEREUNDER;
- (2) ANY INSPECTION AGENCY TO PERFORM ELECTRICAL INSPECTIONS OR HOLD ITSELF OUT TO THE PUBLIC AS A QUALIFIED ELECTRICAL INSPECTION AGENCY UNDER THE TERMS OF THIS CHAPTER UNLESS DULY LICENSED HEREUNDER.

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§138-25. Violations and Penalties

~~Any person or persons found guilty of a violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined a minimum of \$500, not to exceed \$1,000 or be imprisoned not exceeding 30 days, or both, or either, in the discretion of the Court. Each day a violation continues may constitute a separate offense.~~

- A. ANY PERSON, FIRM, CORPORATION OR AGENT WHO SHALL VIOLATE A PROVISION OF THIS CHAPTER OR FAIL TO COMPLY THEREAFTER OR WITH ANY OF THE REQUIREMENTS THEREOF SHALL BE GUILTY OF A CIVIL INFRACTION AND SHALL BE SUBJECT TO A FINE NOT TO EXCEED \$1,000 PER VIOLATION. THE FINE SHALL BE AS SPECIFIED IN THE SCHEDULE OF FINES ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL FOR THE VIOLATION CHARGED. THE DIRECTOR OF THE DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT OR HIS DESIGNEE IS HEREBY AUTHORIZED TO ISSUE CITATIONS FOR CIVIL INFRACTIONS OF THIS CHAPTER. EACH DAY THE VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE VIOLATION.
- B. THE ENFORCEMENT AUTHORITY FOR VIOLATIONS OF THE ELECTRICAL CODE IS WITH THE DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT'S CHIEF BUILDING INSPECTOR OR HIS DESIGNEE. THE BOARD SHALL DELIVER ANY INFORMATION RECEIVED DURING ITS REVIEW OF COMPLAINTS RECEIVED TO THE DEPARTMENT. THE DEPARTMENT SHALL INVESTIGATE AND IF APPROPRIATE ORDER CORRECTIONS DETERMINED TO BE NECESSARY, OR ISSUE A CIVIL CITATION AND ASSESS THE APPLICABLE FINE.

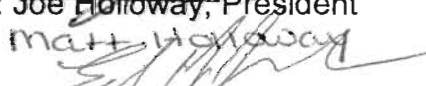
- C. IN CASE OF ANY VIOLATION OF THIS CHAPTER, THE COUNTY MAY, IN ADDITION TO OTHER REMEDIES PROVIDED HEREIN, INSTITUTE ANY APPROPRIATE ACTION OR PROCEEDING IN CIRCUIT COURT, EITHER BY INJUNCTION OR OTHERWISE, TO PREVENT SUCH UNLAWFUL ACTION AND/OR TO RESTRAIN, CORRECT OR ABATE SUCH VIOLATION, TO PREVENT THE OCCUPANCY OF SUCH BUILDING OR STRUCTURE AND TO PREVENT ANY ILLEGAL ACT IN OR ABOUT SUCH PREMISES.
- D. CIVIL INFRACTIONS WILL BE PROSECUTED BY THE WICOMICO COUNTY DEPARTMENT OF LAW.

**SECTION II.** BE IT FURTHER ENACTED THAT this Bill shall be known as Bill No.2012-16 of Wicomico County, Maryland and shall take effect sixty (60) days after its enactment, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.


Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 18<sup>th</sup> day of December, 2012.

WICOMICO COUNTY, MARYLAND

  
BY: Joe Holloway, President

  
BY: Edgar A. Baker, Jr., Secretary

I HEREBY CERTIFY that on introduction copies of the bill shall be made available for distribution to the public, press and other news media.

  
Edgar A. Baker, Jr., Secretary

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike out~~ indicates material deleted from law.

CAPITAL - ~~STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill

COUNTY COUNCIL  
OF  
WICOMICO COUNTY, MARYLAND

BILL NO. 2012-16

INTRODUCED BY: Council at request of Executive

Legislative Day No. 26

Date: November 20, 2012

Introduced, read first time, ordered posted and public hearing scheduled on: December 13, 2012

Time: 10:30 a.m.

AN ACT to amend Chapter 138, titled "Electrical Standards", Section 138-3, titled "Definitions"; Section 138-5, titled, "Removal of members"; Section 138-15, titled "Fees and bonds"; Section 138-19, titled "Revocation of certificates"; Section 138-24, titled "Inspections; permits", a new Section 138-24.1, titled "Electrical Inspectors and Inspection Agencies", and Section 138-25, titled "Violations and penalties" to regulate Electrical Inspectors and Inspection Agencies, to classify violations of the electrical standards as a civil infractions, to define certain terms, to correct typographical errors and to empower the Wicomico County Department of Planning, Zoning and Community Development to issue citations to violators on behalf of the Wicomico County Board of Electrical Examiners.

**PUBLIC HEARING:** Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on December 13, 2012 and concluded on December 13, 2012

Matthew E. Green  
Council Administrator

**CERTIFICATION**

The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 18<sup>th</sup> day of December, 2012.

Matthew E. Green  
Council Administrator

Presented to the County Executive for approval this 19<sup>th</sup> day of December, 2012 at

12:26 a.m./p.m.

(5 days §411)

Matthew E. Green  
Council Administrator

**BY THE EXECUTIVE:**

Shelburne Kelly  
County Executive

APPROVED

Date: Dec. 19, 2012

(21 days §411)

VETOED

Date: \_\_\_\_\_

**EFFECTIVE DATE:**

This Bill having been approved by the County Executive and returned to the Council, becomes law on December and effective on: Feb. 17, 2013 (60 days §311)

**ENROLLMENT:**

Legislative Bill No. 2012-16 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Matthew E. Green  
Council Administrator

Date: 12-27-12

ENROLLED

Matthew E. Green  
Council President

Date: 12-27-12