

ORDINANCE NO. 2003-07-043

AN ORDINANCE ADOPTING THE 2002 EDITION OF THE NATIONAL ELECTRICAL CODE AND REPLACING EXISTING CHAPTER 17.16 OF THE BELLINGHAM MUNICIPAL CODE WITH A NEW CHAPTER 17.16.

WHEREAS, the Washington Department of Labor and Industries has recently adopted the 2002 edition of the National Electrical Code together with state amendments; and

WHEREAS, in order to be consistent with state regulations the City of Bellingham should also adopt the 2002 edition of the National Electrical Code and the state amendments thereto and portions of the 2003 International Code Council Electrical Code Administrative Provisions;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The existing Chapter 17.16 of the Bellingham Municipal Code is repealed in its entirety and shall be replaced with a new Chapter 17.16 which shall read as follows:

17.16.010 – PURPOSE - ADOPTED

ELECTRICAL CODE

This chapter is enacted as an exercise of the police power of the city for the benefit of the public at large. It is not intended to create a special relationship with any individual, or individuals, or to identify and protect any particular class of persons. The purpose of this chapter is to provide minimum standards to safeguard life or limb, health, property, and public welfare, by regulating and controlling building construction and work related thereto.

The National Electrical Code, 2002 Edition, and the International Code Council Electrical Code, 2003 Edition, Chapters 1 through 6 and Chapter 10, hereinafter referred to as the Electrical Code Administrative Provisions, except as modified by amendments contained in Washington Administrative Code Chapter 296-46B Safety Standards – Installing Electrical Wires and Equipment, which is incorporated herein by reference, and as modified herein, shall be in full force in the City of Bellingham, upon adoption of this chapter.

17.16.015 - ELECTRICAL CODE - ADMINISTRATIVE PROVISIONS, CHAPTER 1 AMENDED - TITLE.

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Section 101.1 of the Electrical Code - Administrative Provisions is amended to read as follows:

Section 101.1 - Title. These regulations shall be known as the Electrical Code - Administrative Provisions of the City of Bellingham and shall be cited as such and will be referred to herein as "this code."

Section 102.1.3 of the Electrical Code - Administrative Provisions is amended to read as follows:

Section 102.1.3 - Additions, alterations and repairs. When more than 50% of the wiring of any circuit, as measured in lineal feet or the number of outlets on the circuit, is changed then the entire circuit must be rewired to bring it into conformance with this chapter.

Whenever an existing electrical service is to be moved, altered or enlarged, the service equipment must be reinstalled in conformance with this chapter.

Additions or alterations to existing electrical systems shall be done using materials and methods equivalent to, or exceeding the materials and methods used in the existing system.

17.16.020 - ELECTRICAL CODE - ADMINISTRATIVE PROVISIONS, SECTION 201.3 AMENDED - TERMS DEFINED IN OTHER CODES.

Section 201.3 of the Electrical Code - Administrative Provisions is amended to read as follows:

Section 201.3 - Terms defined in other codes. Where terms are not defined in this code and are defined in other codes adopted by the City or by NFPA70, such terms shall have meanings ascribed to them as in those codes.

17.16.030 - ELECTRICAL CODE ADMINISTRATIVE PROVISIONS, CHAPTER 3 AMENDED.

Section 301.1 of the Electrical Code Administrative Provisions is amended to read as follows:

Section 301.1 - Creation of enforcement agency. The department of electrical inspection is hereby created and the official in charge thereof shall be known as the code official. The function of the department shall be to assist the code official in the administration and

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enforcement of the provisions of this code. The code official responsible for enforcement of this code shall be the Building Official of the City.

Section 302 of the Electrical Code - Administrative Provisions is amended to read as follows:

Section 302.5 – Inspections. The code official shall make all of the inspections necessary to determine compliance with the provisions of this code in accordance with 17.16.070.

Sections 302.6 and 302.7 are deleted in their entirety and new sections are added to read as follows:

Section 302.6 – Right of entry. When necessary to make an inspection to enforce any of the provisions of this code, or when the building official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first 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 building official shall have recourse to the remedies provided by law to secure entry.

Section 302.7 – Authority to Disconnect Utilities. The building official or the building official's authorized representative shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

Section 302.7.1 – Authority to Condemn Building Service Equipment. When the building official ascertains that building service equipment regulated in the technical codes has become hazardous to life, health or property, or has become unsanitary, the building official shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice.

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When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefor shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the technical codes and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.

Section 302.8.4 is added to the Electrical Code - Administrative Provisions to the National Electrical Code to read as follows:

Section 302.8.4 – Appeals. The Board of Code Appeals shall have the authority set forth in Bellingham Municipal Code Chapter 2.63 to determine the suitability of alternate materials and methods of installation and to provide for reasonable interpretation of this code.

Section 303.1 of the Electrical Code - Administrative Provisions is amended to read as follows:

Section 303.1 Use and Occupancy. No building or structure shall be used or occupied until a certificate of occupancy has been provided in accordance with the Uniform Building Code.

17.16.040 – ELECTRICAL CODE - ADMINISTRATIVE PROVISIONS, CHAPTER 4 AMENDED - GENERAL.

Section 401 of the Electrical Code - Administrative Provisions is deleted in its entirety and new sections are added to read as follows:

Section 401.1 - Permits Required. No owner, authorized agent, tenant, or contractor shall construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace electrical systems or equipment, the installation of which is regulated by this code, or to cause such work to be done until application for required permits has been made and permits for the work are issued by the Building Official. A separate permit is required for any such work for

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every building or structure. Each electrical permit shall be posted on the job site at the service switch or other conspicuous place and shall remain so posted during the entire course of work.

Section 401.2 - Exempt Work. An electrical permit shall not be required for the following:

- i. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this code.
- ii. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
- iii. Repair or replacement of current-carrying parts of any switch, contractor or control device.
- iv. Reinstallation of attachment plug receptacles, but not the outlets.
- v. Repair or replacement of any overcurrent device of the required capacity in the same location.
- vi. Repair or replacement of electrodes of the same size and capacity for signs or gas tube systems.
- vii. Removal of electrical wiring.
- viii. Temporary wiring for experimental purposes in suitable experimental laboratories.
- ix. The wiring for temporary motion picture or television stage sets.
- x. A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

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Section 402.2 of the Electrical Code - Administrative Provisions is amended to read as follows:

Section 402.2 - Application. Application for an electrical permit shall be made on a form provided by the building official. Each application shall state the name and address of the owner, tenant, or occupant in possession of the building or premises where the work is to be done, the name of the licensed contractor, if any, making the application, and such other information as the building official may require. The building official may refuse to issue or revoke a permit if any statement in a permit application is found to be untrue.

Section 402.2.1 - Plans and Specifications.

- 1) General. Two sets of plans and specifications shall be submitted with each application for an electrical permit for and installation of services or feeders of 400 amperes or over, and all switches or circuit breakers rated 400 amperes or over, new or altered installations in commercial buildings, any proposed installation which cannot be adequately described on the application form, and installation of emergency generators. *Exception:* Plans and specifications shall not be required for installations for one- and two-family dwellings.
- 2) Clarity of Plans. . Plans shall indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of this code. All electrical work shall be readily distinguishable from other mechanical work. All drawings shall be original drawings in ink on white bond paper or xerographed reproductions. Diazo (blue) prints will not be accepted. Drawings shall be submitted on 11" x 17", 18" x 24", or 24" x 36" sheets. All sheets in a drawing set shall be the same size and sequentially labeled and dated. Revisions shall be clearly marked. Site plans shall be drawn at 1" = 20' or larger scale. Plans shall be drawn at not less than 1/8" = 1'0" scale and be dimensioned. Details shall be drawn at a scale large enough to clearly illustrate the particular detail. All drawings shall be clear, accurate, legible and high-contrast. Contrast shall be sufficient to permit archival photographic or digital reproduction. The Building Official reserves the right to reject or refuse to examine plans and may require that plans be prepared by a Washington State Professional Electrical Engineer, even if a plan review fee has been paid.
- 3) Information on Plans and Specifications. Plans and specification shall indicate the following:
 - a) The proposed use or occupancy of the various portions of the building in which the installation is to be made.

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- b) A complete riser diagram.
- c) The calculated load schedule and demand factor selected for each branch circuit, feeder, subfeeder, main feeder and service. Panel and circuit schedules shall be shown.
- d) Fault current calculations and the listed interrupting rating for feeder or service installation or alteration.
- e) A key to any symbols used.
- f) Letters and numbers designating mains, feeders, branch circuits and distribution panels.
- g) Wattage, number of sockets and type of lighting fixture.
- h) Wattage and purpose of all other outlets.
- i) Voltage at which any equipment will operate.
- j) Identification of size of wires, type of insulation and all conduit sizes.
- k) Any other information as may be required by the building official.

Section 404 of the Electrical Code - Administrative Provisions is amended to add the following:

Section 404.2 - Schedule of permit fees. A fee for each permit shall be paid as required, in accordance with the schedule as established by the City of Bellingham. The fees for electrical work shall be as indicated in the following schedule.

NEC TABLE 1A ELECTRICAL PERMIT FEES

1.	For the issuance of each permit	\$25.00
2.	Temporary service pole	\$20.00
3.	Mobile home - existing service pedestal	\$25.00
4.	New single family residence or duplex, including service, circuits, wiring, attached garage and single unit 2-station HVAC control.	

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<u>Service Size</u>	<u>Fee Per Service</u>	<u>Subpanel/Feeder</u>	<u>Each Additional</u>
Up to 100 amps	\$ 60.00	\$ 30.00	\$ 15.00
101 to 200 amps	\$ 80.00	\$ 40.00	\$ 20.00
Over 200 amps	\$100.00	\$ 60.00	\$ 30.00

5. Altered single family residence or duplex, service change.

<u>Service Size</u>	<u>Fee Per Service</u>	<u>Subpanel/Feeder</u>	<u>Each Additional</u>
Up to 100 amp	\$ 30.00	\$ 30.00	\$ 15.00
100 to 200 amp	\$ 40.00	\$ 40.00	\$ 20.00
Over 200 amp	\$ 60.00	\$ 60.00	\$ 30.00

New circuits, 1-4 . \$ 40.00
Each additional circuit \$ 8.00

6. Altered single family residence or duplex with no service change, including detached garage, or accessory building, equipment or devices such as hot tubs, pools, pumps.

Each subpanel or feeder \$ 40.00
New circuits, 1-4 \$ 40.00
Each additional circuit \$ 8.00

7. Residential low voltage system. \$ 30.00
Each residential low voltage system requires a separate permit.

8. Commercial work. New, alteration or addition to an existing structure including multi-family residential (three or more units), and accessory buildings thereto. Each structure requires a separate permit. Commercial work also includes commercial alarm, low voltage security and controls systems, and signs. Each category requires a separate permit.

<u>Value of Work</u>	<u>Permit Fee</u>
Up to \$1,000	\$60
\$1,001 to \$5,000	\$60 plus 3.0% of amount over \$1,000 (.03)
\$5,001 to \$10,000	\$180 plus 1.5% of amount over \$5,000 (.015)
\$10,001 to \$25,000	\$255 plus 1.0% of amount over \$10,000 (.01)
\$25,001 to \$50,000	\$405 plus .75% of amount over \$25,000 (.0075)
\$50,001 to \$100,000	\$593 plus .50% of amount over \$50,000 (.005)

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\$100,001 to \$250,000	\$843 plus .25% of amount over \$100,000 (.0025)
\$250,001+	\$1,218 plus .15% of amount over \$250,000 (.0015)

9. Plan Review Fee. When plan review is required by the Building Official, or when submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, a plan review fee shall be charged at the rate 35% of the permit fee, with a minimum plan review fee of \$50.

10. Inspection and Reinspection Fees.
 - a. Inspections performed outside the City's normal schedule. (Two hour minimum charge.) \$ 75.00/hr work

 - b. Reinspection as a result of work not being ready, or only partially ready, access not provided, or repeated inspections for same work due to neglect, carelessness or improper correction or installation. (One hour minimum charge). \$ 75.00/hr

 - c. Reinspections required due to work being covered or concealed before inspection. (One hour minimum charge.) \$ 75.00/hr

 - d. Owner or contractor requested inspections on existing installations. (40 minute (\$50.00) minimum charge.) \$ 75.00/hr

 - e. Inspections for which no fee is specifically indicated (One-half hour minimum charge.) \$ 75.00/hr

Section 404.2 of the Electrical Code - Administrative Provisions is amended to add the following:

Section 404.2.1 - Plan review. Plan review shall be required for all electrical plans for new or altered electrical installations in educational, institutional, and health or personal care occupancies classified or defined in WAC 296-46B-130 and as indicated in WAC 296-46B-240, and for installations in any other industrial or commercial occupancies where determined necessary by the Building Official.

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Section 404.3 of the Administrative Code Provisions to the National Electrical Code is amended to read as follows:

Section 404.3 – Work Commencing Before Permit Issuance . An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code, or \$100, whichever is greater. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

17.16.050 - INSPECTIONS

- 1) The installation, alteration or extension of any electrical system, fixtures or components for which an electrical permit is required by this code shall be subject to inspection by the Building Official of the City and such electrical systems, fixtures and components shall remain accessible and exposed for inspection purposes until approved by the Building Official of the City. It shall be the duty of the permit applicant to cause the electrical systems to remain accessible and exposed for inspection purposes. The City shall not be liable for any expense entailed in the removal or replacement of any material required to permit inspection. When the installation of an electrical system is complete, an additional final inspection shall be required to be made. Electrical system and equipment regulated by the National Electrical Code shall not be connected to the energy source until authorized by the Building Official of the City.
- 2) The Building Official of the City may require special inspection of equipment or wiring methods where the installation requires special training, equipment, expertise, knowledge, or other such factors. Where such special inspection is required, it shall be performed by an independent third party acceptable to the Building Official of the City. The special inspection person/agency shall be designated and approved prior to beginning the installation of wiring or equipment. A written report from the designated special inspection agency indicating that the installation conforms to the appropriate codes and standards shall be received by the Building Official of the City prior to the installation being approved. All costs for such testing and reporting shall be the responsibility of the permit holder.
- 3) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the National Electrical Code or other laws or ordinances of the City. Inspections presuming to give authority to violate or cancel provisions of the National Electrical Code or other laws or ordinances of the City shall not be valid.

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17.16.060 – NEC ARTICLE 310 AMENDED – WIRING AND CIRCUIT SPECIFICATIONS – NEW WORK

NEC Table 310.5 is amended as follows:

The minimum wire sizes permitted are:

- A. In commercial installations, #12 American Wire Gauge copper.
Exception: control wiring and voltages of 24 or less.

- B. In residential installations, #14 American Wire Gauge copper.

17.16.070 – NEC ARTICLE 334 AMENDED – USE OF NONMETALLIC-SHEATHED CABLE NOT PERMITTED

NEC Article 334.12 is amended to add the following:

334.12. Uses Not Permitted.

(B) Types NM, NMC, and NMS. Types NM, NMC, and NMS cables shall not be used:

- (1) In any dwelling or structure exceeding three floors. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use shall be permitted.

17.16.080 – SALES OF ELECTRICAL APPARATUS

It is unlawful for any person to sell or offer for sale any electrical wire, fixture, motor, or other electrical apparatus which does not meet the standards of, and carry the approval of, the Underwriters' Laboratories or other testing agency recognized and approved by the Washington State Department of Labor and Industries.

17.16.090 – EFFECT OF PROVISIONS ON PRIOR ACTIONS

- A. Nothing contained in any provision of this chapter shall apply to an act done or omitted or an offense committed any time prior to the effective date of this ordinance. Such act or omission shall be governed by and any such offense shall be punished

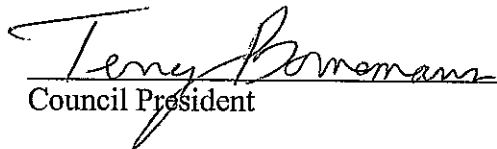
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according to the provisions of the ordinances existing when such act, omission or offense occurred.

- C. The repeal of prior ordinances by the repealing action of the ordinance codified in this chapter shall not affect any right existing or accrued or any act or proceeding commenced before the effective date of this ordinance.


Section 2. Effective Date. This ordinance shall become effective July 15, 2003.

PASSED BY COUNCIL this 14th day of July, 19 .



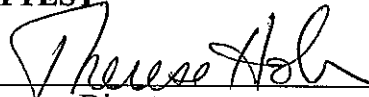
Council President

APPROVED BY ME this 18th day of July, 2003



Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published: July 18, 2003