

AN ORDINANCE ADOPTING THE 2005 EDITION OF THE NATIONAL ELECTRICAL CODE AND AMENDING CHAPTER 17.16.

WHEREAS, the State of Washington has adopted the 2005 edition of the National Electrical Code together with state amendments; and

WHEREAS, in order to be consistent with state regulations the City of Bellingham will also adopt the 2005 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. Chapter 17.16 of the Bellingham Municipal Code is amended to read as follows:

17.16.010 – PURPOSE - ADOPTED

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, 2005 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.

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 of the City of Bellingham and shall be cited as such and will be referred to herein as "this code."

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210 Lottie Street
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Telephone (360) 676-6903

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

Section 102.1.3 - Additions, alterations and repairs. Additions, alterations, renovations, and repairs to electrical systems shall comply with the provisions of the International Building Code or International Existing Buildings Code, as applicable, and to the provisions of this code. When more than 50% of the wiring of any existing circuit is altered, as measured in lineal feet or the number of outlets on the circuit, then the entire circuit shall 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 shall 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. [NO CHANGE].

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 as the Electrical Inspection Section within the Development Services Division of the Department of Planning and Community Development 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 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 Building Official shall make all of the inspections necessary to determine compliance with the provisions of this code in accordance with Bellingham Municipal Code 17.16.050.

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.

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.

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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 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 approved and issued by the Building Official in accordance with The International 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 CHANGE].

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

- i. - x. [NO CHANGE].

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 the City.

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 department. Each application shall state the name and address of the owner,

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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. [NO CHANGE].

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 resolution of the Bellingham City Council. The fee for electrical work shall be as indicated in the schedule, hereafter known as the Electrical Code Permit Fee Schedule.

NEC TABLE 1A ELECTRICAL PERMIT FEES [DELETE IN ITS ENTIRETY].

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

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-010 (14) and as indicated in WAC 296-46B-010, Tables 010-1 and 010-2, and for installations in any other industrial or commercial occupancies where determined necessary by the Building Official. The Building Official may accept and approve plans which have been reviewed for compliance with this code by a Washington State Licensed Electrical Engineer or by an approved, qualified independent firm or individual. The Building Official may require that plans and calculations for large or complex commercial, mixed use, and industrial installations be prepared and stamped by a Washington State Licensed Electrical Engineer.

Section 404.3 of the Electrical Code Administrative Provisions 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 Electrical Code Permit Fee Schedule, 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.

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17.16.050 - INSPECTIONS

- A. 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 and such electrical systems, fixtures and components shall remain accessible and exposed for inspection purposes until approved by the Building Official . 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 this Code shall not be connected to the energy source until authorized by the Building Official.

- B. The Building Official 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 . 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 prior to the installation being approved. All costs for such testing and reporting shall be the responsibility of the permit holder.

- C. Approval as a result of an inspection shall not be construed to be an approval of a violation of any provision of the National Electrical Code, this code or other laws or ordinances of the City. Inspections presuming to give authority to violate or cancel provisions of the National Electrical Code, this code or other laws or ordinances of the City shall not be valid.

- D. Approval by the Building Official to connect any new service and/or energize any portion of an installation or service for the specified limited purpose of continuing construction and/or installation and testing of electrical systems, equipment and components shall not be authorization for permanent service until final inspection approval has been granted by the Building Official.

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

NEC Table 310.5 is amended to add the following:

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For all new work, 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 [DELETE IN ITS ENTIRETY].

17.16.070 – SALES OF ELECTRICAL APPARATUS

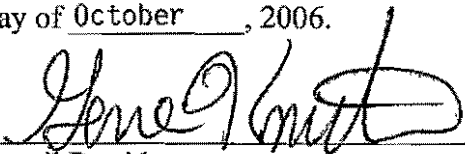
It is unlawful for any person to sell or offer for sale any electrical wire, fixture, motor, or other electrical apparatus which does not meet the standards of, and carry the approval of, the Underwriters' Laboratories or nationally recognized testing agency approved by the Building Official.

17.16.080 – EFFECT OF PROVISIONS ON PRIOR ACTIONS

- A. [NO CHANGE].
- B. [NO CHANGE].


Section 2. Effective Date. This ordinance shall become effective on January 1, 2007.

PASSED BY COUNCIL this 23rd day of October, 2006.



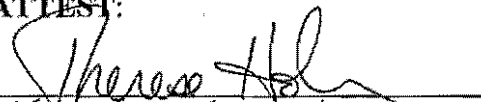
Council President

APPROVED BY ME this 26th day of October, 2006.



Mayor

ATTEST:



FINANCE DIRECTOR

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

Finance Director

APPROVED AS TO FORM:

Lee C. Kealey
Office of the City Attorney

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