

ORDINANCE NO. 03-119

A COUNTY ORDINANCE PROVIDING FOR LICENSING OF  
ELECTRICAL CONTRACTORS WITHIN THE JURISDICTION OF  
THE ELKHART COUNTY (Indiana) BUILDING DEPARTMENT

An Ordinance (A) safeguarding persons and property and promoting the welfare of the public by requiring the licensing of electrical contractors or others performing certain electrical work within the jurisdiction of the Elkhart County (Indiana) Building Department; (B) creating of an Electrical Licensing Board to oversee and administer the electrical licensing requirements; and (C) coordinating of this Ordinance with other ordinances within the jurisdiction of the Elkhart County Building Department, to include those pertaining to the issuance of permits for the installation of electrical equipment and the fees required for the same.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA  
("Commissioners") hereby ordains as follows:

SECTION 1. Application of Provisions of this Ordinance. The provisions of this Ordinance shall apply to all installations of electrical raceways, conductors, fittings, devices, appliances, controls, and fixtures, hereinafter referred to as "electrical equipment," within or on private and/or public buildings and premises, according to the requirements of the State of Indiana Prevention and Building Safety Commission (IC. 12-10-1 et seq.) with the following general exceptions:

The provisions of this Ordinance shall not apply to electrical wiring expressly declared to be exempt from the provisions of this Ordinance by any other Sections hereof (to include the provisions of SECTION 6 and SECTION 17 hereof) or by any other provisions of the rules adopted in this Ordinance.

As used in this Ordinance, “reasonably safe to persons and property” as applied to electrical installations and electrical equipment, means safe to use in the service for which the installation of equipment is intended without unnecessary hazard to life, limb, or property.

SECTION 2. Electrical Examining Board Created.

(a) There is hereby created the Electrical Examining Board of Elkhart County, Indiana, hereafter designated as the “Board,” which shall consist of five (5) members appointed by the Commissioners as follows:

(i) One (1) representative of an electrical utility company serving Elkhart County;

(ii) One (1) representative registered in the State of Indiana as a Professional Engineer;

(iii) Two (2) representatives of persons, firms, or corporations engaged in the business of electrical contracting in Elkhart County; and

(iv) The Elkhart County Manager of Code Enforcement or his designee.

(b) The Elkhart County Manager of Code Enforcement (or designee) shall serve by virtue of such position, and the other four (4) Board members shall serve for a term of four (4) years from date of appointment, or until a successor is appointed. Such appointed Board member shall serve at the discretion of the Commissioners, and shall be subject to removal by Commissioners without cause.

(c) The Elkhart County Manager of Code Enforcement shall serve as chairman of the Board.

(d) Records of the meetings of the Board shall be open to the public for inspection at all reasonable times. The Board shall keep a record of all licenses and certificates issued by it and shall have printed a set of its rules and regulations for the conduct of electrical examinations.

SECTION 3. Duties and Authority of the Electrical Examining Board.

(a) The first Monday of January, April, July, and October of each year (not a holiday) are hereby designated as electrical examination dates for the examination of applicants for electrical licenses providing any such applications are pending. No licensing examinations shall be given on any other dates without the approval of a majority of the members of the Board. All tests administered by the Board shall be tests prescribed by a person, firm, or agency designated by the Board ("Testing Designee"), consistent with SECTION 10 hereof. All fees charged by the Testing Designee shall be the responsibility of the applicant. Any applicant desiring to go directly to the Testing Designee for the purpose of taking the prescribed test may do so provided arrangements are made to have test results delivered directly to the Board. The Testing Designee shall, for all purposes under this Ordinance, be the agent and representative of the Board for administering examinations and tests for applicants for electrical licenses under this Ordinance; the Testing Designee shall be selected by the Board based upon knowledge and proficiency in the administration of such examinations and tests on a uniform basis consistent with the standards of this Ordinance, and according to the requirements of the State of Indiana Fire Prevention and Building Safety Commission.

(b) It shall be the duty of the Board to examine the reports of persons, firms, or corporations who apply for licenses, to approve the issuance of electrical licenses to qualified applicants who have paid the prescribed fees and passed the appropriate test, and to revoke or suspend any electrical license on the grounds set forth in SECTION 15 of this Ordinance.

(c) Three (3) members of the Board present at any meeting shall constitute a quorum for the transaction of business, but any action taken at any meeting shall require the affirmative vote of at least three (3) members.

SECTION 4. Standards for the Installation of Electrical Equipment. All installations of electrical equipment shall be reasonably safe to all persons and property and in conformity with the provisions of this Ordinance, the applicable statutes of the State of Indiana, and all orders, rules, and regulations issued by the authority thereof, and the Elkhart County Building Ordinance (36-7-8-2 et seq.).

All electrical installations covered by this Ordinance shall be in compliance with the most recent Edition of the Indiana Electrical Rules (currently 675-IAC-17-01), as adopted by the State of Indiana, Fire Prevention and Building Safety Commission (I.C. 22-11-1-10 and I.C. 22-11-1-16, and amendments thereto), which identifies, amends, and incorporates therein the National Electrical Code (NEC) (NFPA #70), most current Edition.

Conformity of installations of electrical equipment with applicable regulations set forth in the current Edition of the Indiana Electrical Rules shall be prima facie evidence that such installations are reasonable safe to persons and property.

SECTION 5. Standards for Electrical Equipment. All electric equipment installed or used shall be reasonably safe to persons and property and in conformity with the provisions of this Ordinance, and any orders, rules, or regulations issued by the authority thereof.

Conformity of electrical equipment with the applicable standards of Underwriters Laboratories, Inc., or other nationally recognized testing laboratory or service, shall be prima facie evidence that such equipment is reasonably safe to persons and property.

SECTION 6. Licenses Required. Except as otherwise provided in SECTION 1 or exempted below, no person, firm, or corporation shall in any manner undertake to execute or perform any work of installing, maintaining, altering, or repairing any electrical equipment unless such work is performed or supervised by a holder of a Class A Electrical Contractor's

License, and has a certificate therefore as provided in SECTION 7 of this Ordinance; nor shall any person, firm, or corporation execute or perform such work otherwise than as specifically permitted under the license held by such person performing or supervising the work for a firm or corporation except that such provisions shall not apply to any person employed by and working under the direction of a person holding a Class A electrical license. Provided, however, that no license shall be required in order to execute or perform any of the following electrical work:

- (a) The replacement of switches, receptacles, and lamps or the connection of portable electrical equipment to suitable permanently installed receptacles.
- (b) Electric wiring expressly declared to be not covered by the provisions of this Ordinance by any provisions of the rules adopted in SECTION 4 of this Ordinance.
- (c) The installation, alteration, or repair of electrical equipment for the operation of signals or the transporting of intelligence by wire.
- (d) Any work involved in the manufacturing, testing, servicing, altering, or repairing of electrical equipment or apparatus except that this exemption shall not include any permanent wiring other than that required for testing purposes.
- (e) The assembly, erection, and connection of electrical equipment by the manufacturer of such equipment, but not including any electrical wiring other than that involved in making electrical connections on the equipment itself or between two (2) or more parts of such equipment.
- (f) All work involved in repairing and maintenance of elevators, dumb waiters, and escalators.
- (g) The undertaking of electrical work in or upon single-family dwellings, including the usual accessory buildings located on the same property, provided such electrical work in such dwelling or accessory buildings is performed by the owner of such property (or by an occupant thereof with the written permission of the owner); the dwelling is at such time or in the immediately foreseeable future intended to be occupied by the person doing the work; and the single-family dwelling is a detached building containing no other dwelling unit or other occupancy apart from the owner or the members of the immediate family of the owner, or an occupant doing the work.

SECTION 7. Classes of Licenses. One (1) class of license and certificate therefore shall be issued, in accordance with provisions of SECTION 8 of this Ordinance, which shall be known as Class A, Electrical Contractors License. A Class A license shall entitle the holder thereof to undertake to execute or perform any work of installing, maintaining, altering, or repairing electrical equipment consistent with this Ordinance.

SECTION 8. Fees for Licenses and Expiration. Upon approval of the Electrical Examining Board, the Elkhart County Building Commissioner is authorized to issue a Class A license under the provisions of this Ordinance. A certificate shall be issued to reflect the license and time period for such.

Before a license is granted, or renewed, to any applicant, an annual license fee of One Hundred Dollars (\$100.00) shall be paid for a Class A license, on a calendar year basis, though the initial Class A license fee shall be prorated based on the portion of calendar months remaining in a calendar year. Renewal license fees may not be prorated. The license fee for the balance of the calendar year 2003 shall be Sixty-five Dollars (\$65.00). Each license shall expire on December 31 following the date of its issue and shall be renewed upon application of the holder of the license and payment of the required fee. All licenses must be renewed on or before the date of expiration and any license becoming thirty (30) days delinquent shall be issued as a new license with all the requirements of the same.

SECTION 9. Application for License. Each application for a license shall be made in writing to the Board at least thirty (30) days before the examination date, stating the name and place of business of the applicant. A non-refundable examination fee equal to the amount of the fee charged by the Testing Designee to give such examination shall be paid when the application is made. In the event the applicant finds through an unforeseen event, this examination cannot

be taken, and at least fifteen (15) days notice is given, the applicant may appear for the next scheduled examination without an additional fee. If an applicant fails to appear because of illness, the applicant may, after providing substantiation of such illness, appear for the next scheduled examination without an additional fee.

SECTION 10. Examinations. The person designated by the applicant for a license shall be examined to determine the person's knowledge of the rules and regulations for the installation of electrical equipment as set forth in this Ordinance, and in the National Electric Code (NEC, NFPA #70), as approved by the American National Standards Institute (ANSI), and to determine the general qualifications and fitness of the applicant for executing the work covered by the license applied for.

Each examination shall be conducted by the Testing Designee. A complete record of every examination given shall be kept on file until three (3) years after the date of examination. Any person determined in writing by the Testing Designee to have cheated during any examination shall be conclusively presumed unqualified and unfit for licensing pursuant to this Ordinance, and in addition thereto shall be disqualified from holding any license or applying for or taking any future examinations for licensing by Elkhart County as a Licensed Electrical Contractor for a period of five (5) years.

SECTION 11. Failure to Pass an Examination. Should an applicable fail to pass an examination by obtaining a rating lower than seventy-five (75), said applicant may be re-examined upon submitting an application in writing at least thirty (30) days before the next examination date and accompanied with the appropriation examination fee.

SECTION 12. Holder of License. As used in this Ordinance, the term “holder of a license” shall be the person to whom the license is issued. A person may not hold more than one (1) license issued by Elkhart County at any one time.

SECTION 13. Change of Representation. Any holder of a license who is performing or supervising the installation, maintenance, alteration, or repair of electrical equipment, or performing or supervising electrical work for a firm or corporation under SECTION 6 herein, whose employment with such firm or corporation shall terminate, shall immediately notify the Board of such termination. Such firm or corporation shall provide to the Board, within ten (10) days of the date of such notice, written notice of the name and address of the licensing holder replacing such person to remain eligible to undertake licensing required work.

SECTION 14. Certificates. Each certificate for a license shall specify the name of the person to whom the license is issued, the name of the firm or corporation the holder is representing under SECTION 6 herein, the name of the person employed by a commercial or industrial facility(s), and the expiration date.

Every holder of a license shall keep the applicable certificate of license displayed in a conspicuous place in the holder’s principal place of business.

SECTION 15. Revocation and Suspension of Licenses and Certificates. No license and certificate thereof issued in accordance with the provisions of this Ordinance shall be assigned or transferable. Any such license may, after hearing, be suspended for a definite length of time, or revoked by the Board, if the person holding such license willfully or negligently violates any Ordinance of the County of Elkhart or any statute of the State of Indiana, relating to the installation, maintenance, alteration, or repair of electrical equipment or any orders, rules, or regulations issued by the authority thereof.

SECTION 16. Reciprocity. Any person holding and maintaining a Class A Electrical Contractor's License, or equivalent thereof as determined by the Board, issued by the Cities of Elkhart, Goshen, and/or Nappanee, Indiana, shall (upon proper documentation thereof satisfactory to the Board) be entitled to receive and maintain a Class A Electrical Contractor's License from Elkhart County under this Ordinance upon payment of the fees required annually under SECTION 8 hereof. The "reciprocity" herewith granted shall automatically terminate, and any license granted per this SECTION 16 shall be cancelled and rescinded, should the underlying and documented license from such city or cities be terminated or suspended for any reason.

SECTION 17. Grandfather Provisions. Any person who has applied for, received, and fully complied with a permit for an electrical installation from the Elkhart County Building Department from and after January 1, 2001, and to and including February 28, 2003, shall be and remain eligible to apply for and otherwise receive such a permit for a comparable installation or installations up to and including December 31, 2004, irrespective of whether such person has secured a Class A Electrical Contractor's License under this Ordinance, unless such permit shall otherwise be precluded by applicable Federal, State, or Elkhart County (Indiana) standards not a part of this Ordinance.

SECTION 18. Permits and Fees. From and after the effective date of this Ordinance, the issuance of permits for electrical installations by the Elkhart County Building Department, and the collection of fees therefore, shall be limited to a holder of a license under this Ordinance, unless such electrical installation is exempt from the licensing standards herein set, or unless the applicant is exempt through and including December 31, 2004 by the provisions of SECTION 17 above.

SECTION 19. Penalties. Any person, firm, or corporation who shall violate any of the provisions of this Ordinance as determined by a court of competent jurisdiction by a preponderance of the evidence shall have committed a Class A infraction, and shall be liable for a civil penalty of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), together with all applicable court costs. Injunctive relief shall also be available to the Commissioners, or their designees in Elkhart County Government, to prevent such violations, or cause such violations to be stopped. and any person violating any of the provisions of this Ordinance who does not cease and desist from such violations, after written notice to such effect from Commissioners or designee, shall be responsible for all costs of enforcement, to include reasonable attorney fees, incurred by Commissioners in securing an appropriate injunction (temporary or permanent) or other appropriate equitable relief. If such person, firm, or corporation is a license holder of license provided for in this Ordinance, any court determination of a violation of this Ordinance shall have the effect of suspending such license until such suspension shall be reviewed by the Board, and such suspension lifted by the Board, in its discretion.

SECTION 20. Liability for Damage. This Ordinance shall not be considered to relieve from or lessen the responsibility or liability of any party owning, operating, controlling, or installing any electrical equipment for damages to persons or property, caused by any defect therein, or any negligence in the installation, nor shall the County of Elkhart be held as assuming any liability by reason of the examination authorized herein or by the license and certificate therefore issued as herein provided.

SECTION 21. Severability. If any provision of this Code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provisions or application.

SECTION 22. Repeal of Conflicting Ordinances. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 23. Date to Take Effect. This Ordinance shall be in full force and effect from and after May 1, 2003, and its publication according to law.

ORDAINED AND ADOPTED THIS 3<sup>RD</sup> DAY OF MARCH, 2003 BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA.

BOARD OF COMMISSIONERS OF THE  
COUNTY OF ELKHART, INDIANA

By Philip E. Neff  
Philip E. Neff, President and Presiding Officer

By M. A. McCloskey  
Martin A. McCloskey

By Phil R. Stiver  
Phil R. Stiver

ATTEST:

Stephen J. Malone  
Stephen J. Malone  
Elkhart County Auditor

