

**CHAPTER 28**

**ELECTRICAL INSTALLATIONS**

§ 28-1. **Definitions** ..... 2801

§ 28-2. **National Electrical Code** ..... 2802  
 [Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004]

§ 28-3. **Permit required for electrical construction** ..... 2802

§ 28-4. **Electric Board of Examiners; enforcement officer** ..... 2803  
 [Amended 12-14-2009 as L.L. #2 (Intro No. 3) 2009]

§ 28-5. **License required for Master Electricians** ..... 2804

§ 28-6. **Examination; certificate; renewal; waiver of examination** ... 2804

§ 28-7. **Issuance of license**..... 2806

§ 28-8. **Fee for license and renewal**..... 2806

§ 28-9. **Insurance** ..... 2807

§ 28-10. **Revocation of license; renewal after expiration** ..... 2808

§ 28-11. **Qualifications for licensed Master Electricians** ..... 2809

§ 28-12. **Employment of unlicensed electricians**. .... 2809

§ 28-13. **Unauthorized electrical construction work** ..... 2810

§ 28-14. **Electrical Inspectors** ..... 2810

§ 28-15. **Duties of Inspectors** ..... 2812

§ 28-16. **Violations** ..... 2812

§ 28-17. **Penalties for offenses** ..... 2813

§ 28-18. **Installations and equipment exempted** ..... 2813

§ 28-19. **No waiver or assumption of liability** ..... 2814  
 [Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004]

[HISTORY: Amended on 3-4-1997 as L.L. #2 (Intro No. 1) 1997; Amended 3-5-2002 as L.L. #1 (Intro No. 2) 2002; Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004. Amended 12-14-2009 as L.L. #2 (Intro No. 3) 2009. Amendments noted where applicable.]

**§ 28-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**BOARD** - The Electric License Board of Examiners.

**CITY** - The City of Dunkirk.

**ELECTRICAL CONSTRUCTION** - Includes all work done and materials used in, installing and extending a system of electrical wiring or

conductors for light, heat or power, and all appurtenances thereto, and all apparatus or equipment used in connection therewith, inside or attached to any building or structure, lot or premises. Rules governing "electrical construction" shall be set forth in the current edition of the National Electrical Code.

**MASTER ELECTRICIAN** - Includes any person engaged in, or holding himself out to the public as engaged in, the business of contracting to install or alter any electrical wiring, conductors, equipment or apparatus for the utilization of electricity supplied for light, heat or power, except a person doing personally electrical construction or repair work on his or her own property, or an electric light or power company, telephone or telegraph company or electric or steam railway company or the like which does electrical or repair work on its own property, or constructs or installs its own system.

**PERSONS** - Includes one (1) or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable or being sued.

**§ 28-2. National Electrical Code. [Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004]**

All electrical installations heretofore mentioned shall be made in conformity with the requirements of the applicable edition of the National Electrical Code and applicable provisions of New York State Codes.

**§ 28-3. Permit required for electrical construction.**

- A. No electrical construction, as defined in this chapter, shall be started until the installer has first filed with the Code Enforcement Officer a copy of application form from an approved inspection agency of the City, excepting work done by persons not required to be licensed under § 28-5 of this chapter. [Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004]
- B. The Building Inspector shall issue a permit for construction upon receipt of such application properly completed.

**§ 28-4. Electric Board of Examiners; enforcement officer.**

- A. (1) There is hereby created a board to be known as the "Electric Board of Examiners", which shall consist of five (5) members, four (4) of which shall be appointed by the Mayor,

subject to the approval of the Common Council. **[Amended 12-14-2009 as L.L. #2 (Intro No. 3) 2009]**

- (2) One (1) member shall be an electrical contractor, one (1) member shall be a journeyman electrician, one (1) member shall be a representative of the electrical utility servicing the City area, one (1) member shall be an electrical inspector, and one (1) member shall be the Building Inspector of the City. **[Amended 12-14-2009 as L.L. #2 (Intro No. 3) 2009]**
- B.
- (1) The Building Inspector of the City and the Police Chief of the City shall be designated as enforcement officer(s) of this chapter.
  - (2) The Fire Chief of the City or a Fire Department representative designated by the Fire Chief, shall be an ex-officio member of the Board. **[Amended 12-14-2009 as L.L. #2 (Intro No. 3) 2009]**
- C.
- (1) Each of the first four (4) named members shall hold office for the term or three (3) years or until his/her successor has been appointed, unless removed from office by the Mayor for cause. **[Amended 12-14-2009 as L.L. #2 (Intro No. 3) 2009]**
  - (2) All vacancies shall be filled by the Mayor, subject to the approval of the Common Council.
  - (3) Any member or members may be removed by the Mayor for malfeasance of office, incapacity or negligence of duty.
  - (4) Such Board shall elect its own Chairman, and the City Clerk shall act as its Secretary.
  - (5) A majority shall constitute a quorum to transact the business thereof.
  - (6) The Board shall meet as often as is necessary for the proper and efficient discharge of the business of such Board.
  - (7) The Board shall adopt such rules and regulations for the examination of all persons who desire to engage in, or work at, the trade or business or electrical construction within the City, and for the conduct of the business of the Board, not otherwise prescribed herein, as shall be necessary, and shall have the power to change and amend the same.

- (8) The members of the Board, except the City Clerk, Building Inspector and the Fire Chief of the City, or a Fire Department representative designated by the Fire Chief, shall be paid the salary of Fifteen Dollars (\$15.00) for each meeting attended; provided, however, that such salary shall not exceed the sum or Fifteen Dollars (\$15.00) per month.

**§ 28-5. License required for Master Electricians.**

- A. No person shall, within the limits of the City, engage in, carry on or work at the business of installing or making repairs, alterations, additions or changes to existing systems or electrical wiring or electrical apparatus for heat, light or power, for hire as Master Electrician as herein defined, without first having passed an examination and obtained and paid for and having in full force and effect a license as herein provided.
- B. Every holder of a Master Electrician's license within the City shall keep his/her, their or its certificate of license displayed in a conspicuous place in his/her, their or its principal place of business within the City.

**§ 28-6. Examination; certificate; renewal; waiver of examination.**

- A. Every person desiring to procure a certificate as herein provided shall make application to the Electrical License Board of Examiners for examination; in such form and detail as such Board may prescribe.
- B.
  - (1) In the case of a partnership, at least one (1) of the partners must pass the examination and procure a certificate as herein provided.
  - (2) Such certificate holder must supervise all electrical work done.
- C. In the case of a corporation, the certificate herein mentioned must be procured by one who is a stockholder and either President, Vice-President, Secretary or Treasurer of the corporation, and under whose supervision all electrical work is done.
- D.
  - (1) Such Board shall examine such applicants as to his/her practical knowledge of electrical construction.

- (2) Such examination shall be made in whole or part in writing and shall be of a practical and elementary character, but sufficiently strict to test the qualifications of the applicant, and shall satisfy the Board as to the applicant's ability as an electrician and his/her familiarity with the rules and regulations governing electrical construction.
  - (3) If such Board is satisfied as to the competency of such applicant, then it shall issue a certificate to the applicant.
  - (4) Such certificate shall be valid through December 31 of the year of issue, but the same can and may be renewed without further examination if application is made to the Board for renewing the same prior to December 1 of the year in which the license is valid, and on further condition that no charges of delinquency are proven against such applicant.
- E. All renewal applications shall be reviewed by the Board, and only upon approval of the Board shall the license be renewed.
- F. (1) An applicant who has failed in his/her first examination shall not be eligible for the reexamination until after three (3) months from the date of failure.
- (2) An applicant who fails twice shall not be further eligible for reexamination until after one (1) year from the date of such second or subsequent failure.
- G. The Board is empowered to waive the examination of any person, partnership or corporation presently licensed to do electrical work in any city with a population of fifteen thousand (15,000) or upwards, and may issue a license to such person, partnership or corporation to engage in, or work at, the business, as provided in § 28-3.

**§ 28-7. Issuance of license.**

- A. Upon the filing of the certificate of insurance, as herein required, and the payment to the City Clerk of the license fee herein provided, the Board shall, except as herein provided, issue to the applicant a license to engage in, or work at, the business as provided in § 28-3.
- B. All licenses shall be numbered in the order in which they are issued and shall state clearly the name and address of the licensee and the fee paid and shall be countersigned by the City Clerk and the Chairman of the Board of Electrical Examiners.

**§ 28-8. Fee for license and renewal. [Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004]**

- A. Upon the application for and prior to the issuance of license or renewal a fee shall be paid as provided in Chapter 31 Fees.
- B. All license issued shall continue in force through December 31 after issuing, unless sooner revoked by the Board.
- C. No license or certificate shall be used by any person other than the original licensee or person to whom it was issued, and any holder of such license or certificate who permits it to be used by any other person, and any person who uses such license or certificate granted to any other person shall each be guilty of a violation of this chapter.
- D. Whenever a license shall be lost or destroyed without fault upon the part of the holder, a duplicate license in lieu thereof, under the original application and bond, may be issued by the Board in its discretion, upon the filing with it of an affidavit by the licensee, setting forth the circumstances of the loss and what, if any, search has been made for its recovery.

**§ 28-9. Insurance.**

- A. Liability insurance.
  - (1) All Master Electricians shall procure and maintain at their own expense and without expense to the City, insurance for liability for damages imposed by law, of the kinds and in the amounts hereinafter provided.
  - (2) Such insurance shall be procured through insurance companies authorized to do such business in the State of New York covering all operations under their contracts whether performed by them or by subcontractors.
  - (3) Before receiving a Master Electrician Certificate of Competency, and every year thereafter at the time of renewal of the Master Electrician license, a certificate or certificates of insurance in forms satisfactory to the City showing compliance with this paragraph, shall be furnished to the City, to be kept on file in the City Clerk's Office, which certificate or certificates shall provide that the policy shall not be changed or canceled until thirty (30) days written notice

has been given to the City. **[Amended 9-7-2004 by L.L. #3 (Intro No. 4) 2004]**

- (4) This requirement shall apply to active Master Electrician license holders; those with inactive status are waived.
- (5) The kinds and amounts of insurance are as follows:
  - (a) Compensation and Disability Insurance: A policy covering the obligations of the Master Electrician in accordance with Workers' Compensation and Disability Benefits Law of New York State covering all operations under contract; whether performed by the Master Electrician, or the Master Electrician's subcontractors. **[Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004]**
  - (b) Public liability and property damage insurance:
    1. The Master Electrician shall take out and maintain such public liability and property damage insurance as shall insure and protect him/her, any subcontractor performing work for him, from claims for damages for personal injury, including accidental death, as well as from claims for property damages which may arise from his/her operations.
    2. (a) Sole proprietor: Public liability insurance or general comprehensive liability insurance in the amount of not less than \$300,000 per occurrence, aggregate amount \$600,000; property damage insurance in an amount not less than \$600,000 aggregate; **[Amended 3-5-2002 by L.L. #2-2002]**
    - (b) For any electrician with one or more employees: Public liability insurance or general comprehensive liability insurance in the amount of not less than \$600,000 per occurrence, aggregate amount \$1.2 million; property damage insurance in an amount not less than \$600,000 aggregate. **[Amended 3-5-2002 by L.L. #2-2002]**

- (6) The City shall be named as an additional insured on the policy for purposes of coverage only, but not for payment of premium.

**§ 28-10. Revocation of license; renewal after expiration.**

- A. Any license may be suspended or revoked at any time by the Board if the licensee or any person performing any work under its jurisdiction willfully violates, or by reason of incompetence repeatedly violates, any statute of the State of New York or any ordinance, rules or regulations of the City of relating to the installation, maintenance, alteration or repair of electrical conductors, wiring devices, fixed appliances and equipment, or is responsible for any electrical installation which is a hazard to life or property. Whenever any license shall be so suspended or revoked, no refund of any unearned portion thereof shall be made. No license shall be granted to a person whose license has been suspended or revoked within a period of thirty (30) days from the date of such revocation. Notice of such revocation and the reason or reasons therefore, in writing, shall be served by the Board upon the person named in the application and upon filing a copy with the City Clerk of the City.
- B. A license not renewed before the expiration date automatically becomes null and void. Any license not renewed on or before the expiration date will be renewed only upon the full payment of an original license fee, but without examination. After thirty (30) days after the expiration date, the licensee shall be required to requalify and pay the full fee for a new license, subject to the conditions set forth in § 28-6.

**§ 28-11. Qualifications for licensed Master Electricians.**

- A. No person shall carry on the business at or from any place in the City, other than the one designated in the license therefore, without first having notified the Board of the change and having had the same endorsed on the license, nor shall such person continue to carry on, or work, at such business after his/her license has been revoked or has expired.
- B. No license shall be granted to a person under twenty-one (21) years of age. Each licensee must also be a citizen of the United States and of good moral character and reputation in the community.

- C. A Master Electrician's license shall not be granted to a person who has had less than five (5) years of experience as a journeyman electrician or the equivalent in education, in the installation and alteration of electrical wiring, conductors and equipment for light, heat and power.

**§ 28-12. Employment of unlicensed electricians.**

It shall be unlawful for any person to employ an unlicensed person to do any electrical construction work in the City.

**§ 28-13. Unauthorized electrical construction work. [Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004]**

- A. An owner of an owner-occupied one or two family dwelling is permitted to do his or her own electrical construction work, provided that the premises are not either a commercial use, mixed use occupancy, or multiple dwelling, as defined in the applicable Codes of New York State.
- B. An owner of a non-owner-occupied one or two family dwelling, commercial use, mixed use or multiple dwelling is not permitted to perform his or her own electrical construction work on the premises listed in this paragraph, unless he or she is licensed under the provisions of this Chapter.

**§ 28-14. Electrical Inspectors. [Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004]**

- A. Approval of Electrical Inspection Agencies, Companies and Inspectors.
- (1) The electrical board shall appoint one or more inspectors as they deem necessary and such inspectors are hereby authorized and deputized as agents of the City of Dunkirk to make inspections and re-inspections of all electrical installations heretofore and hereinafter described as to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and re-inspections be charged against the City of Dunkirk.
- (2) Electrical Inspection Agencies shall provide the City of Dunkirk a Certificate of Insurance a minimum coverage in the amount of One Million Dollars (\$1,000,000.00) naming the City of Dunkirk as an additional insured. Other

compensation and disability forms required by NYS (New York State) shall be on file with the City of Dunkirk. **[Amended 12-14-2009 as L.L. #2 (Intro No. 3) 2009]**

- (3) Each Electrical Inspector shall be required to obtain a license issued by the City Clerk. Licenses shall expire on March 1. For the portion of the calendar year for which the license is first issued, a fee as provided in Chapter 31, Fees, shall be paid. Applications for an Electrical Inspector License shall be made in writing on a form to be provided by the City of Dunkirk.
- (4) All Electrical Inspectors shall submit to the City of Dunkirk documented credentials as being certified by a national testing agency approved by the Electrical Board for the type of inspections being performed.
- (5) There shall be an application form approved by the Electrical Board for electrical inspections. There shall be a local or toll free number to contact the inspection agency for inspection requests.
- (6) It shall be the duty of the inspector to report in writing all violations of or deviations from or omissions of the approved electrical provision of the NEC (National Electrical Code) and all approved New York State codes insofar as any of the same apply to electrical wiring to the owner and local C.E.O. (Code Enforcement Officer) of the City of Dunkirk.
- (7) When the work is completed and complies with the current code approved by New York State, a "Certificate of Compliance" shall be issued to the applicant, and C.E.O. The inspection agency shall respond to the power company within twenty four (24) hours of the final inspection for service order release.
- (8) Complimentary inspections from the inspection agency shall be provided when requested by the C.E.O. at no cost to the City of Dunkirk.
- (9) A current fee schedule of the services and inspections of the inspection agency shall be on file with the C.E.O.
- (10) If the inspector holds a City electrical license he/she shall surrender their License in order to be allowed to perform electrical inspections in the City. Any such surrendered

electrical license may be re-instated by the Board should such inspector cease to be licensed for inspections by the City of Dunkirk.

- B. In no event, however, will the cost or expense of such inspections and re-inspections be charged against the City.

**§ 28-15. Duties of Inspectors.**

- A. It shall be the duty of the Inspector to report in writing to the Code Enforcement Office of the City, whose duty it shall be to enforce all provisions of this Code, all violations of or deviations from, or omissions of, the electrical provisions of the applicable edition of the National Electrical Code and applicable provisions of New York State Code and of all local laws and ordinances, including Chapter 15 of the City Code, as referred to in this chapter, insofar as any of the same apply to electrical wiring. **[Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004]**
- B. The Inspector shall make inspections and re-inspections of electrical installations in and on properties in the City upon the written request of an authorized official of the City, or as herein provided.
- C. The Inspector is authorized to make inspections and re-inspections of electrical wiring installations, devices, appliances and equipment in and on properties within the City where he/she deems it necessary for the protection of life and property.
- D. In the event of emergency, it is the duty of the Inspector to make the electrical inspections upon oral request of an official or officer of the City.
- E. It shall be the duty of the Inspector to furnish written reports to the proper officials of the City and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection.
- F. The Inspector shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with this chapter. The Inspector shall direct that a copy of the certificate of compliance be sent to the City, to the attention of the Building Inspector.

**§ 28-16. Violations.**

- A. It shall be a violation of this chapter for any person, firm or corporation to install or cause to be installed, or to alter or repair, electrical wiring for light, heat or power in or on properties in the City until an application for inspection has been filed with the an approved inspection agency of the City. **[Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004]**
- B. It shall be a violation of this chapter for any person, firm or corporation to connect or cause to be connected electrical wiring in or on properties, for light, heat or power, to any source of electrical energy supply, prior to the issuance of a temporary certificate or a certificate of compliance by an approved inspection agency of the City. **[Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004]**
- C. The owner or agent of the owner shall file with only one inspection agency to conduct inspections for electrical construction and installations until a certificate of compliance is issued by said inspection agency after the work is completed. **[Added 9-7-2004 as L.L. #3 (Intro No. 4) 2004]**

**§ 28-17. Penalties for offenses.**

A violation of any of the provisions of this chapter or of any rule or regulation made pursuant thereto shall constitute a misdemeanor punishable as provided in Chapter 1, General Provisions, Article I, of the Code of the City of Dunkirk.

**§ 28-18. Installations and equipment exempted.**

- A. The provisions of this chapter shall not apply to the electrical installations in automotive equipment, or the installations or equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility and located outdoors, or in buildings used exclusively for that purpose.
- B. This chapter shall not apply to any work involved in the manufacture, assembly, test or repair of electrical machinery apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as its principal business.
- C. It shall not apply to any building which is owned or leased in its entirety by the government of the United States or the State of New York.

**§ 28-19. No waiver or assumption of liability. [Amended 9-7-2004 as L.L. #3 (Intro No. 4) 2004]**

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electric wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the City or an approved inspection agency of the City be deemed to have assumed any such liability by reason of any inspection made pursuant to this chapter.