

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 15-Fire Prevention and Protection, amending Sections 15-21, 15-52, and 15-54.

BE IT ORDAINED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 15-21, 15-52, and 15-54 are hereby amended to read as follows.

Sec. 8-125. - NFPA 70 Electrical Code, 2014 2017 Edition—Adopted.

- (a) *Electrical code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the NFPA 70 National Electrical Code, ~~2014~~ 2017 Edition, approved as an American National Standard on August ~~25, 2014~~ 24, 2016, as published by National Fire Protection Association, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in this chapter. Further, that if there exists or arises any conflict between the provisions of the publication and this code, then the provisions of this code are controlling.
- (b) *Marked copies of code on file.* There shall be not less than three copies of the standard code, adopted by reference in subsection (a) of this section, kept on file in the office of the unified government clerk, to which shall be attached a copy of the ordinance from which this section is derived, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The Neighborhood Resource Center, Code Enforcement Division, Rental Inspections Division, Building Inspection Division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1964, §§ 12-41, 12-42; Code 1988, § 8-98; Ord. No. 64721, §§ 15, 16, 11-1-1984; Ord. No. 65163, § 1, 6-18-1987; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 13, 9-16-2004; Ord. No. O-44-11, § 10, 10-20-2011; Ord. No. O-29-12, § 10, 5-3-2012; Ord. No. O-42-16, § 1, 7-28-2016)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Sec. 8-126. - Same—Amendments.

The ~~2014~~ 2017 NFPA 70 National Electric Code is amended in the following respects:

Section 230.70.A.1. is amended to read as follows:

Section 230.70.A.1. Readily accessible location. The service disconnecting means shall be installed at a readily accessible location either outside of the building or structure or inside within ten feet nearest the point of entrance of the service conductors. The ten foot distance is measured along the path of the service conductors.

(Code 1964, §§ 12-43, 12-44; Code 1988, § 8-100; Ord. No. 64721, §§ 17, 18, 11-1-1984; Ord. No. 65163, § 1, 6-18-1987; Ord. No. 65407, § 4, 3-23-1989; Ord. No. O-57-04, § 15, 9-16-2004; Ord. No. O-44-11, § 11, 10-20-2011; Ord. No. O-29-12, § 11, 5-3-2012; Ord. No. O-42-16, § 1, 7-28-2016)

Sec. 8-151. - Generally.

- (a) In order to safeguard, life, health and property, and to promote the public welfare, any person in either public or private capacity, practicing or offering to practice as an electrical contractor, a master electrician, a ~~residential electrician~~ or an employee electrician shall be required to submit evidence of qualification to practice and shall be licensed as provided in this division. It shall be unlawful for any person to practice as an electrical contractor, a master electrician, a ~~residential electrician~~ or an employee electrician in the city or to use in connection with such person's name or to advertise any title or description tending to convey an impression that such person is an electrical contractor, a master electrician, a residential electrician or an employee electrician unless such person has been duly licensed under this division.
- (b) Any person who practices or offers to practice as a master electrical contractor, ~~residential electrical contractor, master electrician, master residential electrician~~, or employee electrician without being licensed or registered in accordance with the provisions of this division, any person presenting or attempting to use as such person's own the license or registration of another, any person who shall give any false or forged evidence of any kind to the building official in obtaining a license or in registering, any person who shall falsely impersonate another of like or different name, or any person who shall attempt to use an expired, suspended or revoked license shall be guilty of a violation of this article.

(Code 1964, §§ 12-21, 12-34; Code 1988, § 8-131; Ord. No. 64721, §§ 1, 14, 11-1-1984; Ord. No. 65407, § 5, 3-23-1989)

Sec. 8-152. - Exemptions from licensing.

- (a) Employees of public utilities or municipal utilities generating, distributing or selling electrical energy for light, heat or power, or for operating street railway systems, telephone or telegraph systems, cable television systems, or their corporate affiliates and their employees, or employees of railroad companies shall not be required to hold licenses while doing electrical work for such purposes within their properties or within public easements designated for such purposes.
- (b) Nothing in this article shall be construed to require any individual to hold a license before doing electrical work on such person's own property or residence if such property or residence does not share a common wall with another owner's property or residence. If, however, such property or residence is intended for sale or resale by a person engaged in the business of constructing or remodeling such facilities or structures, is rental property which is occupied or is to be occupied by tenants for lodging, transient or permanent, or is generally open to the public, the owner shall be responsible for and the property shall be subject to all the provisions of this article.
- (c) Nothing in this article shall be construed to require any individual to hold a license before doing any maintenance, repair or alteration of existing facilities on such person's own property or residence as long as such property or residence is not appurtenant to another residence.
- (d) Nothing in this article shall be construed to require any firm or corporation or its regular employees to be required to hold a license before doing maintenance or repair of existing facilities on the property owned or leased by any such firm or corporation.

(Code 1964, § 12-30; Code 1988, § 8-132; Ord. No. 64721, § 10, 11-1-1984)

Sec. 8-154. - Records, etc.

- (a) The building official shall keep a register of all applications for license under this division. The register shall show:
 - (1) The name, age and residence of each applicant.
 - (2) The date of the application.
 - (3) The place of business of each applicant.
 - (4) The applicant's educational and other qualifications.
 - (5) Whether or not an examination was required.
 - (6) The action ~~taken~~ upon the application.
 - (7) The date of the action ~~taken~~.
 - (8) Such other information as the building official determines.
- (b) In addition to the register, the building official shall keep a listing of all persons who have taken the examination and their results. A roster showing the names and places

of business of all persons licensed under this division shall be available and will be furnished to the public upon request.

(Code 1964, § 12-26; Code 1988, § 8-134; Ord. No. 64721, § 6, 11-1-1984; Ord. No. 65407, § 7, 3-23-1989)

Sec. 8-157. - Master electrical contractor and ~~master residential electrical contract~~ licenses and bonds.

(a) No person shall engage in the business of a master electrical contractor without having first received from the unified government a license to do so. Each applicant for a master electrical contractor's license shall also post with the unified government a surety bond in the amount of \$5,000.00, which shall be approved as to form by the unified government, the condition of such bond to be that the principal will comply with this article and hold and save the unified government harmless from any and all damages to persons or property resulting from or growing out of any of the principal's actions pertinent to this article. Each applicant shall also furnish any other evidence of financial responsibility required by the unified government. Either the owner or part owner of any firm, copartnership, corporation, association or combination thereof must possess a master electrician's license issued by the unified government and be in charge of the supervision of all electrical work performed by such contractor, or such contractor must employ at least one master electrician licensed by the unified government who shall be in charge of the supervision of all electrical work performed by such contractor. When the applicant has satisfied all the requirements of this subsection, the unified government shall issue, upon payment of the required fees, a license for a master electrical contractor.

~~(b) No person shall engage in the business of a master residential electrical contractor without having first received from the unified government a license to do so. Each applicant for a master residential electrical contractor's license shall also post with the unified government a surety bond in the amount of \$5,000.00, which shall be approved as to form by the unified government, the condition of such bond to be that the principal will comply with this division and hold and save the unified government harmless from any and all damages to persons or property resulting from or growing out of any of the principal's actions pertinent to this article. Each applicant shall also furnish any other evidence of financial responsibility required by the unified government. Either the owner or part owner of any firm, copartnership, corporation, association or combination thereof must possess a master residential electrician's license issued by the unified government and be in charge of the supervision of all electrical work performed by such contractor, or such contractor must employ at least one master electrician licensed by the unified government or one master residential electrician licensed by the unified government who shall be in charge of the supervision of all electrical work performed by such contractor. When the applicant has satisfied all the requirements of this subsection, the unified government shall issue, upon payment of the required fees, a license for a master residential electrical~~

~~contractor. No person licensed as a master residential electrical contractor shall perform electrical work of a type that is beyond the authorization of such license.~~

(Code 1964, § 12-27; Code 1988, § 8-137; Ord. No. 64721, § 7, 11-1-1984)

Sec. 8-158. - Master electrician's license and examination.

- (a) No person shall work as a master electrician in the city without a ~~master electrician's~~ license issued by the unified government.
- (b) An applicant for a master electrician's license shall furnish written evidence that such person has had one year of practical experience in planning, laying out, supervising, installing and repairing wiring apparatus or equipment for electric light, heat, power or other purposes and an additional three years of practical experience acceptable to the building official and under the supervision of a licensed electrical contractor or master electrician, for installing and repairing electrical apparatus and equipment for light, heat, power and other purposes and shall further establish that such applicant has had at least two years' experience in commercial or industrial work. The building official may allow for up to two years' experience credit for successful completion of a post-high school electrical course approved by the building official. An applicant for a master electrician's license must be 21 years of age or older.
- (c) Each applicant for a license as a master electrician shall file an application on forms furnished by the building official, together with the required examination fee and/or application review fee. The building official, not less than 30 days prior to a scheduled written examination, shall notify such applicant that the evidence submitted with the application is sufficient to qualify to take such written examination ~~or that such evidence is insufficient and is rejected. In the event the application is rejected, the building official shall set forth the reasons therefor in the notice to the applicant. The place and time of the examination shall be designated in advance by the building official, and examinations shall be held every 60 days. The master electrician's examination shall be prepared by an independent testing agency. Examinations shall be administered by the building official in accordance with the directions from the independent testing agency. An applicant must achieve a 75 percent score to pass the examination.~~ The Unified government requires the licensure of electricians practicing within the city pass an examination designated by K.S.A. 12-1525, and amendments thereto, for the purpose of determining the competency of applicants for such licensure and shall not be allowed to ask further questions not designated on such examination. The board of Unified commissioners of the county and the governing body of the city have adopted rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing a minimum score of 75% for passage of examinations; (3) fixing a uniform fee to be charged all applicants taking each such examination; and (4) requiring all persons receiving such license to obtain not less than 12 hours biennially or six hours annually of continuing education approved by such local governing body. Not less than six hours biennially or three hours annually shall consist of code education. Continuing education may be

provided by the local governing body, a nationally recognized trade association, community college, technical school, technical college or other provider approved by the local governing body. All hours of education shall consist of training relative to construction, maintenance and code update training. Neither the Unified commission nor the governing body of the city shall impose any restriction on the number of providers of such continuing education. An applicant failing the examination may apply for reexamination at the expiration of 60 days from the date the prior examination was taken. An applicant failing the second examination may apply for reexamination at the expiration of six months from the date the prior examination was taken. An applicant failing the third examination may apply for reexamination at the expiration of one year from the date the prior examination was taken.

- (d) ~~An applicant passing the examination shall be issued a license upon payment of the required license fee~~ Before issuing a master certificate, the Building Official shall verify the validity of the applicant's documented proof of having a valid journeyman certificate for a minimum of two years or having field experience for a minimum of four years. An applicant passing the examination shall be issued a license upon payment of the required license fee.

(Code 1964, § 12-28; Code 1988, § 8-138; Ord. No. 64271, § 8, 11-1-1984; Ord. No. 65407, § 8, 3-23-1989)

Sec. 8-159. ~~Master residential electrician's license and examination~~ Reserved.

- (a) ~~No person shall work as a master residential electrician in the city without a master residential electrician's license issued by the unified government.~~
- (b) ~~An applicant for a master residential electrician's license shall furnish written evidence of at least two years' training in residential wiring under the supervision of a licensed master electrical contractor, master residential electrical contractor, master electrician, or residential electrician. An applicant for a master residential electrician's license must be 18 years of age or older.~~
- (c) ~~Each applicant for a master residential electrician's license shall file an application on forms furnished by the building official, together with the required examination fee and/or application review fee. The building official, not less than 30 days prior to a written examination, shall notify such applicant that the evidence submitted with the application is sufficient to qualify to take such written examination or that such evidence is insufficient and is rejected. In the event the application is rejected, the building official shall set forth the reasons therefor in the notice to the applicant. The place and time of the examination shall be designated in advance by the building official, and examinations shall be held every 60 days. The master electrician's examination shall be prepared by an independent testing agency. Examinations shall be administered by the building official in accordance with the directions from the independent testing agency. An applicant must achieve a 75 percent score to pass the examination. An applicant failing the examination may apply for reexamination at~~

~~the expiration of 60 days from the date the prior examination was taken. An applicant failing the second examination may apply for reexamination at the expiration of six months from the date the prior examination was taken. An applicant failing the third examination may apply for reexamination at the expiration of one year from the date the prior examination was taken.~~

- ~~(d) An applicant passing the examination shall be issued a license upon payment of the required license fee. No person licensed as a master residential electrician shall perform electrical work of a type that is beyond the authorization of such license.~~
- ~~(e) No one licensed as a master residential electrician shall perform electrical work of a type that is beyond the authorization of such license.~~

(Code 1964, § 12-29; Code 1988, § 8-139; Ord. No. 64271, § 9, 11-1-1984; Ord. No. 65407, § 9, 3-23-1989)

Sec. 8-161. - Suspension and revocation.

- (a) The building official may prefer charges against any person licensed under this division. In addition, the unified government chief counsel may file charges.
- (b) Charges may be filed for:
 - (1) Violations of this article.
 - (2) Misstatement, misrepresentation, deceit or fraud in obtaining a license.
 - (3) Incompetence (failure to adhere to the codes and standards adopted by the unified government shall be prima facie evidence of incompetency).
 - (4) Gross negligence.
 - (5) Fraud, deceit or unjustified abandonment of contract or misconduct in the performance of a contract.
 - (6) Such other breaches of the law and public policy as the building official may reasonably consider relevant.
- (c) Such charges shall be in writing, shall be sworn to by the person making them, and shall be filed with the building official. All charges, unless dismissed by the building official as unfounded or trivial, shall be heard by the building official within three months after the date on which they shall have been preferred. The time and place for hearing shall be fixed by the building official, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such charged person at least 30 days before the date fixed for the hearing.
- (d) At any hearing, the accused shall have the right to appear personally and by counsel, cross examine witnesses appearing against the accused and produce evidence and witnesses in defense.

- (e) If, after such hearing, the building official finds the accused guilty, the building official shall reprimand, otherwise discipline, or shall suspend or revoke the applicable license. The building official, for reasons he deems sufficient, may reissue a license to any person whose license has been suspended. A new license, ~~to replace~~ replacing any revoked, lost, destroyed or mutilated license may be issued, and a charge established thereby shall be made for such issuance. Notice of the action fo the building official in denying, or suspending, or revoking a license shall be given by sending a copy of the order by certified mail to the last known address of the applicant or licensee.
- (f) If the building official finds that the conduct of any licensee is so inimical to the public health, safety and welfare as to constitute an emergency, such official may enter an order for summary suspension of such license pending the hearing process established in this section.

(Code 1964, § 12-33; Code 1988, § 8-141; Ord. No. 64721, § 13, 11-1-1984; Ord. No. 65407, § 11, 3-23-1989)

Secs. 8-162—8-190. - Reserved.

Section 2. These ordinances shall take effect and be in full force from and after its passage, approval, and publication in the *Wyandotte Echo*.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _____ DAY OF _____, 2021.**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk