

CITY OF HAGERSTOWN, MARYLAND

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN, BY \REPEALING CHAPTER 64 *BUILDING CONSTRUCTION*, ARTICLE IV THEREOF, *ELECTRICAL STANDARDS*, AND REPLACING IT WITH A REVISED AND UPDATED ARTICLE IV *ELECTRICAL STANDARDS*, WHICH PROVIDES FOR ELECTRICAL STANDARDS AND REQUIREMENTS, LICENSING REQUIREMENTS AND PENALTIES FOR A VIOLATION THEREOF

RECITALS

WHEREAS, the City of Hagerstown has previously adopted electrical standards in Chapter 64, Article IV of the Code of the City of Hagerstown (“Electrical Standards”); and

WHEREAS, as a result of changes in industry standards and other factors, it becomes necessary from time to time to update the standards contained therein; and

WHEREAS, the Mayor and Council desire to update the Electrical Standards to reflect the changes in industry standards and other factors; and

WHEREAS, the Mayor and Council desire to delay enforcement of the amendments adopted within this Ordinance until January 1, 2024; and

WHEREAS, the Mayor and Council desire to continue enforcement of the Electrical Standards in its currently-existing capacity until January 1, 2024; and

WHEREAS, the Mayor and Council find it in the best interests of the citizens of the City of Hagerstown to do so;

NOW THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

SECTION 1: The foregoing recitals be and are incorporated herein as if restated verbatim.

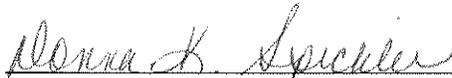
SECTION 2: The Code of the City of Hagerstown, is hereby amended by adding thereto a new Article IV of Chapter 64 to replace Chapter 64, Article IV hereinabove repealed, to be Chapter 64, Article IV, *Electrical Standards*, to read as follows:

(See Attached)

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon the effective date of this Enacting Ordinance.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED THAT this enacting ordinance shall become effective at the expiration of thirty (30) calendar days following its approval.

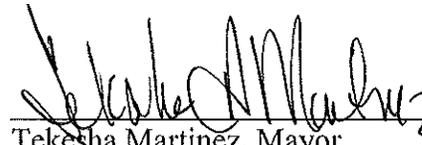
WITNESS AND ATTEST
AS TO CORPORATE SEAL



Donna K. Spickler, City Clerk

Date of Introduction: October 24, 2023
Date of Passage: November 21, 2023
Effective Date: December 22, 2023

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND



Tekesha Martinez, Mayor

PREPARED BY:
SALVATORE & MORTON, LLC
CITY ATTORNEYS

Chapter 64, Article IV, *Electrical Standards*

Applicable beginning January 1, 2024

ARTICLE IV

Electrical Standards

§ 64-14. Adoption of standards by reference.

A certain code known as the *National Electrical Code*, 2020 Edition (NFPA 70), and the whole thereof, of which code a copy is on file with the office of the Clerk of the City of Hagerstown, be and the same is hereby adopted and incorporated as fully as if set out at length herein.

§ 64-15. Title.

The *National Electrical Code*, 2020 Edition (NFPA-70) along with the additions included in §64-16 and the revisions included in §64-17, shall be known as the "*Electrical Code of the City of Hagerstown*".

§ 64-16. Additions.

The following article in its entirety is added to the aforesaid *National Electrical Code*, 2021 Edition (NFPA 70) to read as follows:

Article 89 – Administration and Enforcement

89.1 Title. These regulations shall be known as the *Electrical Code of the City of Hagerstown*, hereinafter referred to as the "City Electrical Code" or "this code."

89.2 Scope. These regulations shall control all matters concerning the construction, alteration, addition, repair, removal, use, location, and maintenance of electrical systems of all buildings and structures and shall apply to existing or proposed buildings and structures, except as such matters are otherwise provided for in other ordinances or statutes or in the rules and regulations authorized for promulgation under the provisions of this code.

Exception: The legal use and occupancy of any structure existing on the date of adoption of this code for which approval has been received may be continued without change, except as may be specifically covered in this code, the *Building Code of the City of Hagerstown*, the *Property Maintenance Code of the City of Hagerstown*, or as may be deemed necessary by the code official for the general safety and welfare of the occupants and the public.

89.3 Application of References. Unless otherwise specifically provided in this code, all references to Article or section numbers or to provisions not specifically identified by number shall be construed to refer to such article, section, or provision of this code.

89.4 Purpose. This code shall be construed to secure its expressed intent, which is to ensure public safety, health, and welfare insofar as they are affected by the installation of the electrical system through sanitary equipment, light, ventilation, and fire safety and in general to secure safety to life and property from all hazards incident to design and installation.

89.5 Matters not provided for. Any requirement essential for fire or sanitary safety of an existing or proposed building or structure or for the safety of the occupants thereof and which is not specifically covered by this code shall be determined by the code official.

89.6 Continuation of Unlawful Use. The continuation of occupancy or use of a building or structure or of a part thereof contrary to the provisions of this code shall be deemed a violation and subject to the penalties as enumerated.

89.7 Other Regulations. When the provisions herein specified for safety and welfare are more restrictive than other regulations, this code shall control; but in any case, the most rigid requirements of either the Building Code of the City of Hagerstown, Electrical Code of the City of Hagerstown, Property Maintenance Code of the City of Hagerstown, or the City of Hagerstown Fire Prevention Code shall apply whenever they conflict.

89.8 Severability. In the event that any part of the provisions of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof, which were determined to be legal; and it shall be presumed that this code would have been passed and shall be interpreted without such illegal or invalid parts or provisions.

89.9 Special professional services. Where applications for unusual design or magnitude are filed or where code reference standards require special engineering inspections, the code official is authorized to require full-time project representation by an engineer. This requirement shall be determined prior to the issuance of a permit and shall be a requisite for permit issuance. All fees and costs related to the performance of special professional services shall be borne by the owner.

89.10 Duties and Powers of the Code Official. This code shall be administered by the Planning & Code Administration Department, hereinafter referred to as the "Department" The executive official in charge thereof or his designee(s) shall be known as the *code official*. The code official will enforce all the provisions of this code and shall act on any question relative to the mode or manner of electrical installation, materials used or installation of service equipment in all buildings and structures except as otherwise specifically provided for elsewhere. The code official is hereby granted the authority to cease or cause to be ceased the flow of electricity to any building, structure, hotel, dwelling, dwelling unit, rooming unit or housing unit or group of units if, in the opinion of the code official, the continued flow of electricity poses a threat of hazard to the health, safety or welfare of the tenants or the general public. The code official shall serve notice to the owner of the property where such electricity has been discontinued, stating the reason or reasons for said discontinuance of electricity and the conditions under which the same may be restored. Notice shall be served as soon as practicable after unsafe condition is found to exist but shall not be deemed a prerequisite to the termination of the flow of electricity.

89.10.1 Inspections. The code official shall make all the required inspections or shall accept reports of inspections by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

89.10.2 Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in any building or on any premises any conditions or violations of this code that make the building or premises unsafe, unsanitary, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

Where the code official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, the owner, owner's authorized agent, occupant or person having charge, care or control of any building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

89.10.3 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

89.10.4 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

89.10.5 Department records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

89.10.6 Liability. The code official personally and board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

89.10.6.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Intentionally blank

89.10.7 Modifications. Where there are practical difficulties involved with carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's authorized agent, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification conforms to the intent and purpose of this code and that such modification does not lessen health, life, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the Department.

89.10.7.1 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety. Where the alternative material, design or method of construction is not *approved*, the code official shall respond in writing, stating the reasons why the alternative was not *approved*.

89.10.7.1.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

89.10.7.2 Required testing. Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

89.10.7.2.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

89.10.7.2.2 Testing agency. Tests shall be performed by an *approved agency*.

89.10.7.2.3 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

89.10.7.3 Approved materials and equipment. Materials, equipment, and devices *approved* by the code official shall be constructed and installed in accordance with such approval.

89.10.7.3.1 Material and equipment reuse. Materials, equipment, and devices shall not be reused unless such elements have been reconditioned, tested, placed in good and proper working condition, and *approved*.

Intentionally blank

89.11 When permit is required. It shall be unlawful to install, demolish, or alter any wiring or equipment or engage in the installation of any electrical system which is regulated by this code without first making application to the Department and obtaining the required permit for the work. All applicable fees must be paid at the time of application. Any exemptions from obtaining a permit required by this code shall not be construed as to authorize any work to be performed in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Exception No. 1: Repairs, as defined in this code, which can be affected without implicating the restrictions and requirements of this code shall be exempted from this provision.

Exception No. 2: The following items shall be exempted from this provision:

1. *Listed cord-and-plug connected temporary decorative lighting.*
2. *Reinstallation of attachment plug receptacles but not the outlets therefor.*
3. *Replacement of branch circuit overcurrent devices of the required capacity in the same location.*
4. *Installation of a Ground Fault Circuit Interrupter receptacle to replace an existing receptacle in the following locations: bathrooms, kitchens, unfinished basements, garages, and exterior/outdoors.*
5. *In residential occupancies, the removal and replacement of an existing dishwasher provided the installation does not require replacement or rearrangement of wiring.*
6. *Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.*
7. *Replacement of receptacles without alteration of existing wiring or addition of wiring or devices to a circuit, in accordance with Department policy.*

Exception No. 3: Where equipment and appliance replacements or repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the Department.

89.12 Application for permit. Each application for a permit, with the required fee, shall be filed with the Department on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application must include the name of the property owner and must be signed by a master electrician properly registered in the City of Hagerstown.

89.12.1 Time limit for application. An application for permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be in writing and justifiable cause demonstrated.

89.12.2 Permit Issuance. The application, construction documents and other data filed by an applicant for permit shall be reviewed by the Department. If the Department finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 89.13 have been paid, a permit shall be issued to the applicant.

89.12.3 Expiration. Every permit issued by the code official under the provisions of this code shall expire and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced. Work shall be considered abandoned if no valid request for inspection is received by the Department for a period of 180 days. Before such work can be recommenced, the permit must be re-activated by submitting application for same and paying a fee as established by Department policy, providing no changes have been made or will be made in the original construction documents for such work, and further that such suspension or abandonment has not exceeded one year. Every such permit shall expire one (1) year after issuance unless an extension is granted in accordance with Section 89.12.4.

89.12.4 Extensions. Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. Unless otherwise approved by the Chief Code Official, the Department shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause, in accordance with Department policy. The fee for an extension shall be as established by Department policy.

89.12.5 Suspension or Revocation of Permit. The code official shall revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based.

89.13 Fee Schedule. Fees for electrical permits shall be paid as established in the fee schedule. The permit fee shall be double the amount established when the work to be permitted has begun prior to the issuance of the permit.

89.13.1 Fee refunds. The Department shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. For a permit in which no associated work has been done, the refund shall consist of the permit fee less the application fee and any technology fee.
3. For a permit in which associated work has commenced, no refund shall be applicable.

The Department shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of the payment.

89.14 Inspections. The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain accessible and exposed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of any other condition not expressly inspected and approved. It shall remain the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for the expense entailed in the removal or replacement of any material required to allow inspection.

89.14.1 Required Inspections and Testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either approve that portion of construction or shall notify the permit holder or an agent of any violations that

must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

- A. **Underground inspection** shall be made after trenches or ditches are excavated and bedded, conduits or piping are installed, and before any backfill is put in place.
- B. **Service inspection** shall be made after the metering equipment, grounding, main disconnect means and all associated service wiring are installed, prior to being energized by the utility company.
- C. **Rough-in inspection** shall be made after the building is weather-protected and all fire-blocking, fire-stopping, draft-stopping, and bracing is in place and all conduits, wiring, and other elements are roughed-in, prior to the installation of wall or ceiling membranes.
- D. **Ceiling close-in inspection** shall be made after all conduits, wiring, fixtures, and other elements to be concealed are complete, prior to the installation of suspended ceiling systems or finishes.
- E. **Final inspection** shall be made after the building is complete, all electrical fixtures are in place and properly connected, and the structure is ready for occupancy.

89.14.2 Other Inspections. In addition to the inspections specified above, the code official shall be authorized to make or require other related inspections of any construction work to ascertain compliance with the provisions of this code.

89.14.3 Inspection Requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide *access* to and means for inspections of such work that are required by this code.

89.14.3.1 Re-inspection fees. In the event that the premises are not ready for a requested inspection or the premises are not safely accessible, the code official may impose a re-inspection fee for each additional visit for the same inspection. The fee for a re-inspection shall be as established by department policy.

89.14.4 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portions shall not be covered or concealed until re-inspected and authorized by the code official.

89.14.5 Approval Agencies. The code official is authorized to accept reports from *approved* inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability, in the sole discretion of the Department.

Intentionally blank

89.14.6 Testing. Installations shall be tested as required in this code and in accordance with 89.16.6 (A), (B), and (C). Tests shall be made by the permit holder and observed by the code official.

- A. **New, Altered, Extended or Repaired Installations.** New installations and parts of existing installations which have been altered, extended, renovated, or repaired, shall be tested as prescribed herein to disclose any defects.
- B. **Apparatus, Instruments, Material and Labor for Tests.** Apparatus, instruments, material, and labor required for testing an installation or part thereof shall be furnished by the permit holder.
- C. **Reinspection and Testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

89.14.8 Approval. After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

89.14.8.1 Suspension or Revocation. The code official is authorized to suspend or revoke a notice of approval issued under the provisions of this code, in writing, wherever the notice is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

89.15 Connection of Service Utilities. A person shall not make connections from a utility or other source of power to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

89.15.1 Temporary Connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility source for the purpose of testing electrical systems or for use under a temporary approval.

89.15.2 Authority to condemn equipment. Where the code official determines that any electrical system, or portion thereof, regulated by this code has become hazardous to life, health or property or has become unsafe, the code official shall order in writing that such electrical systems either be removed or restored to a safe or sanitary condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain defective electrical device or system after receiving such notice.

Where such electrical equipment or system is to be disconnected, written notice as prescribed herein shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

89.15.3 Connection after order to disconnect. A person shall not make connections from a utility or other source of power to electrical systems regulated by this code, which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes reconnection and use of such systems.

Intentionally blank

89.16 Stop work orders. Upon notice from the code official, work on any electrical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work, or posted at the property. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of five hundred dollars (\$500.00).

89.16.1 Unlawful Continuance. Any person who shall continue any work in or about a structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a municipal infraction and be subject to the penalty as described in Section § 64-18.

89.16.2 Withholding of permits: Whenever the code official shall find that any owner or contractor is in violation of the provisions of this code or of the rules and regulations of any other department or agency of the City of Hagerstown, in connection with the erection, maintenance or repair of buildings, structures, lands or equipment thereon or therein, he/she may refuse to grant any future permits to such until the violations have been corrected.

Intentionally blank

89.17 Registration Requirements. All individuals and firms who desire to engage or work in the business of electrical work within the City of Hagerstown are required to procure an electrical registration from the Department. It shall be unlawful for any person to do electrical work in the City of Hagerstown unless first registered to do so, as hereinafter provided, as a Master Electrician or Restricted Master Electrician or as a Journeyman or Apprentice that is employed directly under the immediate supervision of the master or restricted master electrician.

- A. **Required Documents.** All electricians who desire to obtain a registration from the City shall be licensed with the State of Maryland Board of Electricians as a Master and Journeyman, or as a restricted Master with Washington County, or be an Apprentice accepted by a licensed Master Electrician for training and enrolled in an approved apprenticeship program.

All electricians must present their Maryland State license, or Washington County restricted license, or Apprenticeship employment and program documentation, together with their certificate of insurance as required by the state, a current government issued photo I.D., and payment of fees.

- B. **Requirements for insurance.** Prior to being issued a registration, each electrician shall file with the Planning & Code Administration Department proof of liability insurance coverage or surety in the amount as specified by the Maryland Board of Electricians conditioned to keep and save the City of Hagerstown harmless and free from any damages or expenses in connection with any work or act by a registered electrician performing electrical work in the City of Hagerstown.
- C. **Registration period.** The license period shall be for a maximum period of two (2) years and expire December 31 of the even calendar year.
- D. **Registration fees.** A bi-annual registration fee is required as set forth herein. If a registration has lapsed for more than thirty (30) days, the new rate applies. In addition to the bi-annual registration fee required herein, each applicant is required to pay a technology fee. The bi-annual registration fees are set forth below and include the \$40 technology fee:

Master/Restricted Master	New: \$150.00	Renew: \$125.00
Journeyman	New: \$95.00	Renew: \$70.00
Apprentice	New: \$85.00	Renew: \$60.00

- E. **Use of name or registration by others.** Any electrical firm, association or corporation may apply for and receive a master or restricted master electrician registration in the City of Hagerstown, provided that only one master or restricted master electrician be authorized to secure permits for that firm, association, or corporation. Only a registered master or restricted master electrician may apply for permits.

No electrician, electrical firm, association, or corporation shall allow his/her or its name or registration to be used by any other person, firm, association, or corporation for the purpose of obtaining electrical permits or for any purpose whatsoever. The re-assignment of a state license is not permitted.

- F. **Supervision of work done.** All electrical work done by any electrical firm, association, or corporation so registered as provided for herein shall be executed by or under the immediate supervision of the registered member. A City of Hagerstown registered Master or Journeyman is required onsite at all times while electrical work is being performed.
- G. **Suspension or revocation of registration.** The code official may suspend or revoke any electrician's registration for failure to correct faulty, dangerous, or improper work, performing electrical work without proper permits or for lending his/her name or registration to others for the purpose of obtaining electrical permits. The holder of said electrician registration may appeal the suspension or revocation to the Board of Code Appeals as outlined in Chapter 10, Article XIV, of the Code of the City of Hagerstown.

§ 64-17. Amendments.

The following sections of the *National Electrical Code*, 2020 Edition (NFPA-70) are amended to read as follows:

- A. Article 100 Definitions, Part I. General, Repairs is added to read as follows:

Repairs. The reconstruction or renewal of any part of an existing electrical system for the purpose of its maintenance or to correct damage that is limited to work on the item and does not include complete or substantial replacement or other new work affecting public health or general safety.

- B. Article 210 Branch Circuits, Section 210.8, Ground-Fault Circuit-Interrupter Protection for Personnel, Subsection (A) Dwelling Units, Item (7), is amended to read as follows:

(7) Sinks – where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink

Exception to (7): A receptacle installed behind a refrigerator located in a designated area constructed or designed specifically for the refrigerator that is installed as a single receptacle to supply only that appliance, not the countertop, shall not be required to have ground-fault circuit-interrupter protection.

- C. Article 210 Branch Circuits, Section 210.8, Ground-Fault Circuit-Interrupter Protection for Personnel, Subsection (B) Other Than Dwelling Units, Item (5), is amended to read as follows:

(5) Sinks – where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink

Exception No. 1 to (5): In industrial laboratories, receptacles used to supply equipment where removal of power would introduce a greater hazard shall be permitted to be installed without GFCI protection.

Exception No. 2 to (5): Receptacles located in patient bed locations of Category 2 (general care) or Category 1 (critical care) spaces of health care facilities shall be permitted to comply with 517.21.

Exception No. 3 to (5): A receptacle installed behind a refrigerator located in a designated area constructed or designed specifically for the refrigerator that is installed as a single receptacle to supply only that appliance, not the countertop, shall not be required to have ground-fault circuit-interrupter protection in locations other than those covered in Item (2) above.

- D. Article 210 Branch Circuits, Section 210.52 Dwelling Unit Receptacle Outlets, Subsection (A) General Provisions, is amended to read as follows:

210.52 (A) General Provisions. In every kitchen, family room, dining room, living room, parlor, library, den, sunroom, bedroom, recreation room, or similar room or area of dwelling units, receptacle outlets shall be installed in accordance with the general provisions specified in 210.52 (A) (1) through (A) (4). General lighting branch circuits in dwellings must not have more than twelve (12) power consuming outlets. A duplex receptacle shall be considered and counted as one (1) outlet. Smoke detectors are not to be counted as power-consuming devices.

- E. Article 210 Branch Circuits, Section 210.52 Dwelling Unit Receptacle Outlets, Subsection (B) Small Appliance, Item (1) Receptacle Outlets Served, Exception No. 2, is amended to read as follows:

Exception No. 2: In addition to the required receptacles specified by 210.52, a receptacle outlet to serve a specific appliance shall be permitted to be supplied from an individual branch circuit rated 15 amperes or greater. This circuit shall not be required to have ground-fault circuit-interrupter protection if the receptacle supplied meets the requirements of 210.8(A)(7).

- F. Article 210 Branch Circuits, Section 210.52 Dwelling Unit Receptacle Outlets, Subsection (J) Smoke Alarms, is added as follows:

210.52 (J) Smoke Alarms. For individual dwelling units undergoing a ~~complete~~ re-wire of the electrical system, hard-wired interconnected smoke alarms with battery backup shall be installed in each sleeping room, in the vicinity immediately outside each sleeping room, and on all levels within the individual dwelling unit (excluding unconditioned attic spaces and crawl spaces).

- G. Article 210 Branch Circuits, Section 210.64 Other than Dwelling Unit Receptacle Outlets, is added as follows:

210.64 Other Than Dwelling Unit Receptacle Outlets. Every bathroom or toilet room shall contain at least one ground fault circuit interrupter protected receptacle, located in a readily accessible area.

- H. Article 230 Services, Section 230.70 General, Subsection (A) Location, is amended to read as follows:

230.70 (A) Location. The service disconnecting means shall be installed in accordance with 230.70(A) (1), (A) (2), (A) (3), and (A) (4).

(1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location either outside the building or structure or inside nearest the point of entrance of the service conductors.

(2) Bathrooms. Service disconnecting means shall not be installed in bathrooms.

(3) Remote Control. Where a remote-control device(s) is used to actuate the disconnecting means, the service disconnecting means shall be located in accordance with 230.70 (A) (1).

(4) Cable Length and Protection. SE cable shall not exceed 1.22 m (4 ft) in length unless otherwise approved. SE cable shall not exceed .91 m (3 ft) in length from the point of entry to the first overcurrent protection device when concealed within walls. The cable must be protected from physical damage in accordance with 230.50 (B) 1, utilizing items 1, 2, and 4 for the entire length of the concealed cable. Bonding is required in accordance with 250-V.

- I. Article 250 Grounding and Bonding, Section 250.53 Grounding Electrode System, Subsection (A) Rod, Pipe, and Plate Electrodes, is amended to read as follows:

250.53 (A) Rod, Pipe, and Plate Electrodes. Where practical, rod, pipe, and plate electrodes shall be embedded below permanent moisture level. Rod, pipe, and plate electrodes shall be free from nonconductive coatings such as paint or enamel. The use of two 2.5 m x 16 mm (8 ft. x 5/8") galvanized ground rods spaced a minimum of 1.8 m (6ft.) apart shall be required for all new and upgraded residential electrical services.

- J. Article 300 Wiring Methods, Section 300.5 Underground Installations, Subsection (D) Protection from Damage, Item (3) Service Conductors, is amended to read as follows:

300.5 (D) (3) All Underground Conductors. Underground conductors that are not encased in concrete and that are buried below grade shall have their location identified by a warning ribbon that is placed in the trench at least 300mm (12 in.) above the underground installation.

- K. Article 300 Wiring Methods, Section 300.5 Underground Installations, Subsection (D) Protection from Damage, Item (4), Enclosure or Raceway Damage, is amended to read as follows:

300.5 (D) (4) Enclosure or Raceway Damage. Where the enclosure or raceway is subject to physical damage, the conductors shall be installed in rigid metal conduit, intermediate metal conduit, RTRC-XW, Schedule 80 PVC conduit, or equivalent.

- L. Article 334 Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS, Section 334.12 Uses Not Permitted, Subsection (B) Types NM and NMS, Item (4), Exception, is added as follows:

Exception: Nonmetallic-sheathed cable may be installed on the exterior of a dwelling if all of the following conditions apply:

- 1. All work is under the cover of a dwelling roof which is properly sealed and weatherproofed.*
- 2. Cables terminate in a surface mounted enclosure.*
- 3. Cables are installed in a weatherproof raceway not exceeding the allowable fill of NEC Chapter 9 Table 1.*
- 4. Cable raceways shall be sealed or plugged to the outer end using approved means to prevent access to the enclosure through the raceway.*
- 5. Field installed enclosures for raceways or cables shall be sealed at the top and bottom of the enclosure to prevent vermin from entering the enclosure. If wood is used for the enclosure cover, the wood must be no less than 3/8 inch in thickness.*
- 6. Total length of the exposed cable shall not exceed 60 inches.*

- M. Article 334 Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS, Section 334.15 Exposed Work, Subsection (B) Protection from Physical Damage, is amended to read as follows:

334.15 (B) Protection from Physical Damage. Cable shall be protected from physical damage where necessary by rigid metal conduit, intermediate metal conduit, electrical metallic tubing, Schedule 80 PVC conduit, Type RTRC marked with suffix- XW, or other approved means. Where passing through a floor or exposed on the structure, the cable shall be enclosed in rigid metal conduit, intermediate metal conduit, electrical metallic tubing, Schedule 80 PVC conduit, Type RTRC marked with suffix- XW, or other approved means extending at least 2438.4mm (8 ft.) above the floor or finished grade.

Intentionally blank

- N. Article 358 Electrical Metallic Tubing: Type EMT, Section 358.10 Uses Permitted, Subsection (A) Exposed and Concealed, is amended to read as follows:

358.10 (A) Exposed and Concealed. The use of EMT shall be permitted for both exposed and concealed work for the following:

- (1) In concrete or in areas subject to severe corrosive influences where installed in accordance with 358.10(B).
- (2) In dry, damp, and wet locations
- (3) In any hazardous (classified) location as permitted by other articles in this *Code*.

- O. Article 404 Switch Connections, Section 404.2 Switch Connections, Subsection (C) Switches Controlling Lighting Loads, is amended to read as follows:

404.2 (C) Switches Controlling Lighting Loads. The grounded circuit conductor (neutral) shall be provided at each switch location that controls lighting loads.

- P. Article 422 Appliances, Section 422.5 Ground-Fault Circuit-Interrupter (GFCI) Protection for Personnel, Subsection (A) General, Item (5) is hereby deleted in its entirety.

- Q. Article 422 Appliances, Section 422.12 Central Heating Equipment, Subsection (A) Safety Controls, is added as follows:

422.12 (A) Safety Controls. An approved safety switch must be provided for every heating appliance utilizing fuel gas or fuel oil. The switch must be readily accessible, installed in accordance with the reach range requirements of the Maryland Accessibility Code, properly labeled, and installed in an approved location remote from the heating appliance.

- R. Article 424 Fixed Electric Space-heating Equipment, Part II Installation, Section 424.14 Energy Efficiency, is added as follows:

424.14. Energy Efficiency. Permanently installed electric baseboard heaters shall be installed in existing buildings which conform to the minimum energy efficiency requirements of the *Maryland Building Rehabilitation Code* (COMAR 09.12.58), as may be amended or restated from time-to-time.

- S. Article 550 Mobile Homes, Manufactured Homes, and Mobile Home Parks, Section 550.13 Receptacle Outlets, Subsection (B) Ground-Fault Circuit-Interrupters (GFCI), Item (4), is amended to read as follows:

- (4) Sinks – where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink

Exception to (4): A receptacle installed behind a refrigerator located in a designated area constructed or designed specifically for the refrigerator, that is installed to supply only that appliance, not the countertop, shall not be required to have ground-fault circuit-interrupter protection.

§ 64-18. Violations and penalties.

- A. **Violation penalties.** Violation penalties. Any person who shall violate a provision of this Chapter or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair electrical work in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of this Chapter, unless such action is specifically identified as a misdemeanor, shall be deemed to have committed a municipal infraction and shall be subject to the regulations as set forth in Chapter 1, General Provisions, Article III, Municipal Infractions, of the City Code. The fine for committing a municipal infraction under this Chapter shall be up to \$500 dollars for each violation, subject to the municipality's authority to double the fine pursuant to the Maryland Annotated Code, Local Government Article, Sections 6-106(a)(2) and 6-107. Each day that a violation continues shall be deemed a separate offense.
- B. **Misdemeanor violation penalties.** Actions or violations specifically identified as a misdemeanor shall be punishable by a fine of not more than \$500 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

§ 64-19. Right to appeal.

- A. Any person directly affected by a decision of the code official, or a notice or order issued under this code shall have the right to appeal to the *board of appeals*, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The board shall not have authority to waive the requirements of this code or interpret the administration of this code.
- B. Any reference to a *board of appeals* in this code shall be construed to mean the City of Hagerstown Board of Code Appeals as established by Code of the City of Hagerstown, Chapter I 0, Article XIV. This Board shall administer the appeal process in accordance with the Code of the City of Hagerstown, Chapter 10, Article XIV.