

**LOCAL LAW NO. 11 OF 2012**

**COUNTY OF ROCKLAND**

**STATE OF NEW YORK**

(Sponsor: Hon Alden H. Wolfe)

Mr. Grant offered the following Local Law, which was seconded by Mrs. Paul and unanimously adopted:

A local law providing for an electrical code enforcement program and for the licensing of electrical inspectors in the county of Rockland.

Be it enacted by the legislature of the county of Rockland as follows:

**Section 1. Purpose:**

This chapter establishes an electrical code enforcement program intended to protect the health, safety and welfare of the public and to protect public and private property by assuring competence of persons who perform electrical inspections of dwellings and other structures through certification. Inspections of installed electrical work provide an opportunity to identify and correct potential hazards, including shock, electrocution, fire, and prevent resultant injuries.

Nothing in this chapter shall limit the power of a City, Town or Village to adopt any system of permits requiring submission to and approval by the City, Town or Village of plans and specifications for an electrical installation prior to the commencement of construction of the installation or of inspection of work done.

**Section 2. Definitions:**

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

**I.A.E.I.** - The International Association of Electrical Inspectors.

**N.E.C.** - National Fire Protection Association 70 National Electric Code 2008, or most current version.

**N.F.P.A.** - National Fire Protection Association.

**ARTICLE 80** – Annex H of The N.F.P.A.

**ELECTRICAL INSPECTOR** - An individual meeting the requirements of the I.A.E.I. and authorized to perform electrical inspections within his certified discipline. This individual shall work under the supervision of the Chief Electrical Inspector for the firm where he is employed. Individuals that are not legally employed by an approved Electrical Inspection Business shall not conduct electrical installations in the jurisdiction of Rockland County.

**CHIEF ELECTRICAL INSPECTOR** - An Electrical Inspector who is the primary inspector in a business licensed to perform electrical installations in the Towns and Villages in the County of Rockland. The Chief Electrical Inspector is responsible for all Electrical Inspectors employed by the business and all inspections performed by the Electrical Inspection Business. The Chief Electrical Inspector must be certified by the I.A.E.I. as a Master Electrical Inspector.

**DIRECTOR** - The Director of Consumer Protection.

**ELECTRICAL INSPECTION BUSINESS** – Any person, partnership, limited partner ship, limited liability company or corporation which engages in or carries on the business of electrical inspections for electrical installations, repairs, additions or alterations for the public at large, as described in 90.2 of the N.E.C. There shall be at least one Chief Electrical Inspector employed by the business at all times.

**ELECTRICAL INSPECTION** – Any inspection required by this chapter and the rules and regulations adopted hereunder, and any inspection of a building to which electrical service is connected, wherein the Electrical Inspector certifies that the electrical system in the building is in compliance with the N.E.C. and state fire and building codes.

**Section 3. License Required:**

On or after the effective date of this chapter, no person shall engage in, carry on or conduct the business of an Electrical Inspector within the County of Rockland unless licensed as an Electrical Inspector or unless employed by a business so licensed. The Director of Consumer Protection or his designee may issue a license to engage in an Electrical Inspection Business within the County of Rockland for the period of one (1) year, which license may be renewed annually. A copy of the license listing the name of the business and the Chief Electrical Inspector is to be prominently displayed in the place of business. A complete list of all employees, accompanied by two (2) passport photos of each employee shall be required with the license application. ID cards displaying employee picture, name, and inspection rating will be included in the license approval package.

**Section 4. Certification of Electrical Inspectors:**

All Electrical Inspectors shall be certified by a nationally recognized electrical inspector certification program accepted by the Director of Consumer Protection. The certification program shall specifically qualify the inspector in electrical inspections. No person shall be employed as an Electrical Inspector unless that person is the holder of license as an Electrical Inspector issued by the Director of Consumer Protection, or his designee, except that any person who on the date on which this law went into effect was serving as a legally employed Electrical Inspector of an Electrical Inspection Business and who has a minimum of 30 final inspections in the past 2 years, shall, upon application and payment of the prescribed fee be issued a special certificate permitting him or her to continue to serve as an Electrical Inspector in the same jurisdiction for a grace period of one year from the date of enactment of this law .

**Section 5. Re-certification:**

Electrical Inspectors shall be recertified as required by the provisions of the accepted nationally recognized electrical inspector certification program. Any change in the certification status of an Electrical Inspector must be reported to the Director immediately. Any and all authority to perform electrical inspections will be suspended upon the loss of certification of an Electrical Inspector.

**Section 6. Electrical Inspection Business Requirements:**

An Electrical Inspection Business must comply with the following:

**The Corporation** must submit a copy of the filing receipt showing the filing of the corporation with the State of New York, Secretary of State.

**A Foreign Corporation** must submit a copy of the filing receipt from the State of New York Secretary of State granting the corporation the authority to do business in New York State.

**A Domestic or Foreign Corporation** with an **ASSUMED NAME** must submit a copy of the filing receipt from the State of New York Secretary of State granting use of the assumed name in the County of Rockland.

**A Partnership** conducting business under a trade name must submit a copy of a fully executed partnership agreement and a certified copy of the partnership certificate on file in the County Clerks Office. All information except partnership name, address, partner's percentage of ownership, and signature page shall be redacted.

**An Individual** operating under a trade name must submit a certified copy of the business certificate on file in the Rockland County Clerks Office.

**Section 7. Insurance:**

An Electrical Inspection Business shall submit proof to the Director of Consumer Protection that such Electrical Inspection Business maintains workers compensation and disability insurance as required by New York State law, or that such Electrical Inspection Business is exempt from maintaining such insurance. In addition, such Electrical Inspection Business shall maintain occurrence-based liability insurance in an amount not less than \$5,000,000 for damage to persons and property in connection with the Electrical Inspection Business. The Electrical Inspection Business is responsible for submitting updated certificates of insurance ten (10) days prior to the expiration date noted on the business license.

**Section 8. Employees:**

The Electrical Inspection Business must supply proof of current certification by a nationally recognized electrical inspector certification program accepted by the Director of Consumer Protection for all its employees that will perform electrical inspections. The Electrical Inspection Business must list the certified Master Electrical Inspector who will serve as Chief Electrical Inspector for the business. The Electrical Inspection Business shall immediately report to the Director of Consumer Protection any change in the certification status of an employee.

**Section 9. Address for Purposes of Official Notices and Communications:**

Every application for a license must state the Electrical Inspection Business' street address and post office box, if any. It shall be the affirmative duty of license holder to notify the Director of any change of address and/or post office box number, in writing within fifteen (15) calendar days after such change. Service of official notices and communications upon the Electrical Inspection Business' by first class mail to such street address and/or post office address shall be considered sufficient notice for all purposes under this chapter and the rules and regulations promulgated hereunder.

**Section 10. Director's Powers:**

- A. The Director or his designee may conduct initial investigations of complaints filed with his office with regard to violation(s) of this chapter or the rules and regulations promulgated hereunder.
- B. The Director or his designee may conduct initial hearings, or hearings for the purpose of taking testimony, reporting findings of fact, recommendations and decisions as a hearing officer concerning any investigation, inquiry or violation of this chapter or the rules and regulations adopted hereunder.
- C. Any person or persons aggrieved by the action of the Director or his designees' recommendations and/or decisions may take an appeal therefrom to the Legislature within thirty (30) days after the same has been filed with the Director of Consumer Protection.

**Section 11. Notice of Violations, Penalties:**

**A) Violations.**

Whenever the Director of Consumer Protection or his designated agent determines that there has been a violation of this chapter, a written notice shall be issued alerting the offending party of such findings.

**B) Penalties.**

- (1) Any person who fails to comply with the provisions of this chapter or who fails to carry out an order made pursuant to this chapter or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the Director of Consumer Protection.
- (2) Failure to comply with the corrective action after notification of violation is received shall result in each day that such violation continues being regarded as a new and separate offense.
- (3) Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three thousand dollars (\$3000) or not less than one hundred dollars (\$100) for each offense.

**Section 12. Inspection and Approvals:**

(A) Upon the completion of an installation of electrical equipment it shall be the affirmative duty of the person, firm, or corporation making the installation ("applicant") to notify an Electrical Inspection Business having jurisdiction in Rockland County to perform electrical inspections within a reasonable time. The Electrical Inspection Business shall confirm the applicants license is active and in good standing. In the event Electrical Inspector has reason to believe the applicant did not install the work to be inspected, he /she must notify the Director of Consumer Protection immediately.

(B) Where the Electrical Inspector finds the installation to be in conformity with the N.E.C. and all applicable local ordinances, Orange and Rockland specifications, and relevant rules and regulations, the Electrical Inspector shall issue to the person, firm, or corporation making the installation a certificate of approval, with duplicate copy for delivery to the owner, authorizing the connection to an electrical supply and shall send written notice of such authorization to the supplier of electric service as required by Orange and Rockland Utilities, Inc.

(C) No portion of an electrical installation or the equipment involved in such installation may be concealed from plain sight by the permanent placement of parts of the building or excavated fill until such installation has been inspected and approved by an Electrical Inspector.

(D) If, upon inspection, any installation is found not to be in full conformity with the provisions of this chapter, including Article 80 and all applicable ordinances, rules, and regulations, the Electrical Inspector performing the inspection shall at once forward to the person, firm, or corporation handling the installation, a written notice stating the defects that have been found. A copy shall also be forwarded to the Director of Consumer Protection and the Town or Village Building Department where the violation has occurred. Notification to all parties after violations are corrected is required.

### **Section 13. Review of Code Interpretation:**

(A) Review of Electrical Inspectors Decisions.

Any person, firm, or corporation may register an appeal request in writing to the Director of Consumer Protection a review of any decision of an Electrical Inspector provided that such request is made in writing within fifteen (15) days after such person, firm, or corporation shall have been notified. Upon receipt of such request, the Director of Consumer Protection, or his designee, shall, if requested, hold a hearing to determine whether the action of the Electrical Inspector, complies with this chapter and, within thirty (30) days after receipt of the request, or after holding the hearing, shall make a decision in accordance with its findings. The decisions shall be filed in the Office of Consumer Protection.

(B) Conditions.

Any person shall be permitted to request a review of a decision of a Certified Electrical Inspector, or resolve an interpretation of the N.E.C., to the Director of Consumer Protection when it is claimed that any one or more of the following conditions exist:

1. The intent of the codes or ordinances described in this chapter have been incorrectly interpreted.
2. The provisions of this chapter do not fully apply.
3. A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

### **Section 14. Prohibited Acts:**

An Electrical Inspector shall not:

1. Approve or disapprove work of which he or she does not have personal knowledge.
2. Misrepresent his or her authority or responsibility.
3. Use his or her Certification as an Electrical Inspector for special favors or treatment.
4. Inspect any electrical installation for which he or she has performed any part of the work.
5. Perform an Electrical Inspection of any work furnished by an electrical contractor that employs him or her on a full time, part time, or incidental basis.

**Section 15. Revocation and Suspension of License:**

The Director, or his designee, shall have the authority to revoke or deny an Electrical Inspectors license to conduct inspections within the jurisdiction of the County of Rockland for the following reasons:

- (A) The license was granted on an application, or on documents supporting an application, that materially misstated the Electrical Inspectors qualifications or experience.
- (B) The Electrical Inspector knowingly subscribed to or vouched for a inaccurate statement by an applicant for certification.
- (C) The Electrical Inspector incompetently performed an Electrical Inspection.
- (D) The Electrical Inspector failed to comply with the provisions of this chapter.

**Section 16. Appeals:**

- A. Any person aggrieved by the action of the Director of Consumer Protection, or his designee, in refusing to issue a license or renewal thereof or suspending or revoking a license or making any decision or determination may take an appeal therefrom to the Rockland County Legislature within thirty (30) days after the same has been filed with the Clerk of the Rockland County Legislature. Such appeal shall be taken by filing with the Director and the Rockland County Legislature a notice of appeal, specifying the grounds therefore.
- B. The Director shall forthwith transmit to the Clerk of the Rockland County Legislature and shall by personal delivery or by first class mail serve upon the appellant a copy of the recorded proceedings and a copy of all the papers constituting the record upon which the action appealed from was taken.
- C. An appeal, except from an action of the Director in refusing to issue a license or renewal thereof, stays all proceedings in furtherance of the action appealed from, unless the Director certifies to the Rockland County Legislature, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Rockland County Legislature.
- D. The County Executive, subject to confirmation by the County Legislature, may designate three (3) members of the Legislature as an appellate panel to hear the appeal.
- E. A time shall be fixed for the hearing of the appeal, and notices of the hearing shall be mailed to the appellant and the Director at least twenty (20) days before the hearing. Upon the hearing any party may appear in person or by agent or by attorney. The appellate panel may reverse or affirm, wholly or partly, or may modify the decision or determination or action appealed from and shall make such decision or determination as, in its opinion, ought to be made in the premises and to that end shall have the powers of the Director from which the appeal is taken.
- F. Any person or persons aggrieved by any decision made upon an appeal may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules, provided that the proceeding is commenced within thirty (30) days after filing the decision in the Office of the Clerk to the Legislature.
- G. Said appeals shall be hearing de novo at which the proceedings of and the evidence presented at the hearing before the Director shall be considered, together with such other evidence offered by the appellant or the Director that the three (3) members of the Legislature hearing the appeal deem relevant to the issues decided by the Director.

All exhibits proposed by the appellant or the Director to be submitted as evidence at the hearing of the appeal shall be filed with the Clerk to the Legislature and by personal delivery or by first class mail served upon the other party at least seven (7) days prior to said hearing.

**Section 17. Severability:**

If any part of this local law, or the application thereof to any person or circumstances shall be judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the parts of the provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to any other persons or circumstances.

**Section 18. Effective date.**

This local law shall take effect immediately upon filing with the New York State secretary of state.

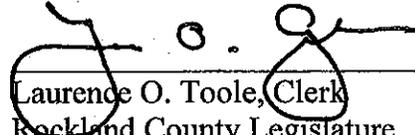
STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF ROCKLAND )

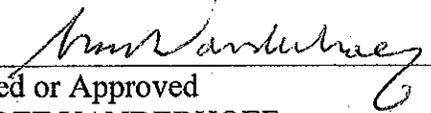
I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original Local Law of such Legislature, duly adopted on the 18<sup>th</sup> day of December 2012 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

I FURTHER CERTIFY that at the time said Local Law was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 19<sup>th</sup> day of December 2012.

Date sent to the County Executive:  
December 19, 2012

  
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Laurence O. Toole, Clerk  
Rockland County Legislature

  
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Certified or Approved  
C. SCOTT VANDERHOEF  
County Executive, County of Rockland

12/19/12  
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(date)

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