1st Reading 11/7/90
TABLed 11/17/90

ORDINANCE 90-52

TO AMEND CHAPTER 17.12 OF THE BLOOMINGTON MUNICIPAL CODE CONCERNING THE LICENSING OF ELECTRICIANS

WHEREAS, the Electrical Examination and Registration Board is responsible for the examination, registration, and licensing of electrical contractors as set forth in Bloomington Municipal Code 2.12.040; and

WHEREAS, as a result of its experience with performing its functions and an in depth study of the operation of the licensing procedure and with discussions with practicing, licensed electrical contractors, the Board has recommended modifications and additions to the current regulations;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 17.04.050 Definitions, Subsection (e) of the Bloomington Municipal Code shall be repealed and reenacted to read as follows:

(e) Commercial, Industrial, Electrical Contractor means any person as a sole proprietor, any partnership, or any corporation who may undertake electrical construction on any residential dwelling units, commercial and industrial electrical construction as well as the type of electrical construction permitted residential electrical contractors in subsection (i) below.

SECTION II. Section 17.04.050 Definitions, Subsection (i) of the Bloomington Municipal Code shall be repealed and reenacted to read as follows:

(i) Residential Electrical Contractor means a person as a sole proprietor, a partnership, or a corporation who undertakes electrical construction for single, duplex, or triplex dwelling units with single-phase electrical service.

SECTION III. Section 17.04.050 Definitions shall be amended to add the following subsection (k):

(k) Wireman means a licensed person hired by a licensed electrical contractor who may undertake electrical installation without direct supervision and who may perform on site supervision as described in BMC 17.12.022.

SECTION IV. Section 17.12.010 Electric license required shall be repealed and reenacted to read as follows:

17.12.010 Electrical Contractor's License Required. It is unlawful for any person as a sole proprietor, partnership or corporation to engage in the electrical contracting business within this jurisdiction without having first obtained a license to do so in the manner provided in this chapter. If the business is a sole proprietorship, the sole proprietor shall be a licensed electrician. If the business is a partnership, at least one of the managing partners shall be a licensed electrician. If the business is a corporation, an officer of the corporation or an employee who is authorized as a general agent of the corporation, or a shareholder who actively participates in the management of the corporation shall possess the qualifications required by this chapter and shall comply with all applicable provisions.

Exception #1. A person not licensed under this chapter who is employed by a licensed electrical contractor may perform electrical work while working under the direction and control of a person who is a licensed wireman or a residential or commercial electrician, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in electrical work.

Exception #2. A person not licensed under this chapter may accomplish electrical work in carrying out ordinary maintenance

and repair if such work is accomplished by the person in the regular course of his sole, full-time employment by the owner of the premises where such ordinary maintenance and repair occur.

Exception #3. Electrical work on one's own residence. A person who both owns and resides in an improved parcel of land may personally accomplish electrical work on a single family, detached residence for which a license is required under this chapter, without have such a license if said person has an appropriate building permit.

If during the inspections the electrical inspector determines that the owner has inadequate knowledge or technical skill, or has performed work that poses a potential health or safety hazard, the electrical inspector or City Engineer may stop work and require completion of the job revisions by a licensed electrical contractor.

SECTION V. Section 17.12.020 Electric License Classifications shall be repealed and reenacted to read as follows:

17.12.020 Electrical Licenses. Three types of electrical licenses may be approved by the Board pursuant to this chapter.

1. Wireman's License to a person who has passed the City Wireman Exam and has purchased a wireman's license for $25.00.

2. Residential Electrician License to a person who has passed the City Residential Electrician Exam and has purchased a residential electrician's license for $50.00.

3. Commercial Electrician License to a person who has passed the City Commercial Electrician Exam and has purchased a commercial electrician's license for $100.00.

It shall not be construed that an electrician's or wireman's license is sufficient in itself to comply with BMC 17.12.010. The requirements of BMC 17.12.021 govern the issuance of an electrical contractor's license.

SECTION VI. Section 17.12.021 Electrical contractor classifications-Wireman classification, shall be added to read as follows:

17.12.021 Electrical contractor classifications-Wireman classification. There shall be two types of electrical contractors and one sub-classification pursuant to this chapter.

1. Residential electrical contractor is a licensed residential electrician who has registered with the City and who also has a current certificate of insurance in the amount of $100,000 general liability insurance on current and completed work on file with the City Engineer. A residential contractor's license is limited to electrical work in and for single-family detached, duplex and triplex units with single phase power. Initial and annual renewal fees shall be $25.00.

2. Commercial Electrical Contractor is a licensed commercial electrician who has registered with the City and has a current certificate of insurance in the amount of $500,000 general liability on current and completed work on file with the City Engineer. A commercial electrical contractor's license allows one to perform electrical installation, maintenance and repair in any type occupancy or structure, exclusive of the electric utility distribution system. Initial and annual renewal fees shall be $25.00.

3. Wireman is an individual who has passed the City Wireman test and has registered with the City. Wireman are not eligible to engage in electrical contracting businesses, but are allowed to perform job site supervision when working full time for a licensed electrical contractor. Initial and annual renewal fees shall be $25.00.

SECTION VII. Section 17.12.022 Job site supervision shall be added to read as follows:

17.12.022 Job site supervision. On all jobs requiring electrical installation, a licensed wireman or a licensed residential or commercial electrician shall be on the job site at all times when electrical work is taking place. The fine for violation of this section is $100.00, and the City Engineer shall issue a stop-work order on the installation until the fine is paid.

SECTION VIII. Section 17.12.030 Electric license--Reciprocity shall be repealed and reenacted as follows:

17.12.030 Electrical license-Examination & experience required. A person seeking license on his own behalf or on behalf of a partnership or corporation shall be personally interviewed by the Board for the purpose of evaluating the applicant's ability, experience, training and fitness to engage in such work. The experience requirement of this section is met by an applicant for a commercial electrician's license who has had at least a total of six (6) years of experience, two (2) of which may be educational and four (4) of which must be practical work experience, all pertaining to electrical systems. An applicant for a residential electrician's license must have four (4) years of experience, two (2) of which may be educational and two (2) of which must be practical work experience, all pertaining to electrical systems. An applicant for a wireman's license must have one (1) year of experience in either practical work or education pertaining to electrical systems. An applicant must receive a successful evaluation from the Board in order to take the required written examination (Block & Associate Exam or its successor). Upon the Board's approval to take the examination, a registration fee must be paid. This fee will include the current examination cost and $20.00 administrative cost.

Upon successfully passing the examination and the payment of fees as appropriate, the applicant shall be issued a license by the City Engineer pursuant to the Board directing the issuance of the license and payment of the appropriate fees to the City Controller.

Exception #1. An applicant who is licensed by a unit with whom the Board has a reciprocity agreement with another governmental unit is exempt from the written examination requirement, but is not exempt from the required license interview with the Board. Applications on this basis shall be considered only from those who have successfully passed the same exam that is being administered in the City of Bloomington and shall be accompanied by the appropriate registration fees. Upon Board approval of such registration and payment of the appropriate fees, the City Engineer shall issue the license.

Exception #2. Applicants for license renewal are exempt from the written examination requirement if the applicant:

(a) has held an unrevoked license under this section during the preceding three hundred and sixty-five (365) days; or

(b) has been eligible to be licensed under this section within the preceding seven hundred and thirty (730) days and demonstrates to the satisfaction of the Board that during the preceding two (2) years has been actively engaged in construction activity pertaining to electrical systems.

Exception #3. A person employed by the City as an electrical inspector will retain his license at no cost as long as he maintains that employee status. This license cannot be used to perform electrical contracting within the jurisdiction of this Title during his/her employment by the City.

SECTION IX. Section 17.12.060 Electrical license-Examination-Notice of time/place shall be repealed and reenacted to read as follows:

17.12.060 Electrical license-Examination-Notice of time/place. The Board shall establish a schedule by January 1 of every year designating four (4) dates (quarterly) to administer the electrical exam. Applicants shall apply to the Board at least thirty (30) days prior to the exam date to be eligible.

SECTION X. Section 17.12.070 Electrical license-Expiration-Renewal. shall be repealed and reenacted to read as follows:

17.12.070 Electrical license-Expiration-Renewal-Transferability. Every license issued under the terms of this chapter shall expire on the thirty-first (31st) day of December in the year for which it was issued. No license shall be issued for a longer period than one calendar year, but a license may be renewed without re-examination as stated in the exceptions listed in Section 17.12.030. No license holder shall be entitled to renew the license without examination unless the holder files an application in due form with proper fee for such renewal, not later than thirty one (31) days after the expiration of the latest license in the office of the City Engineer, but if the application is so filed and the fee is paid within thirty one (31) days from the expiration, then such renewal shall be granted without examination.

Applications for renewal shall state the names of all licensed electricians who are owners or part owners of the business and the current business address. No license or renewal shall be assignable or transferable. If a business received its license as a result of one person possessing the qualifications required by this chapter as described in Section 17.12.010, and that person ceases to be an employee, officer or partial owner of the firm, all rights to the license shall terminate and the business shall be required to make a new application naming another who possesses the required qualifications and to obtain a new license.

SECTION XI. Section 17.12.075 License requirement for building permits. shall be added to read as follows:

17.12.075 License requirement for building permits. Only licensed electrical contractors are eligible to sign building permit applications.

SECTION XII. Section 17.12.090 Exceptions to electric licensing requirements shall be repealed.

SECTION XIII. Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION XIV. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval by the Mayor and promulgation according to law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 1990.

_____
IRIS KIESLING, President
Bloomington Common Council

ATTEST:

_____
PATRICIA WILLIAMS, Clerk
City of Bloomington

Presented by me to the Mayor of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 1990.

_____
PATRICIA WILLIAMS, Clerk
City of Bloomington

Signed and approved by me upon this _____ day of _____, 1990.

_____
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance, recommended by the Electrical Examination and Registration Board and the City Engineer, establishes and licenses a new category of electrical worker, Wireman, and distinguishes between electrician's licenses and electrical contractor's licenses. It establishes insurance requirements for electrical contractors before they can be registered with the City and it clarifies the licensing requirements for partnerships and corporations. It adds a requirement that a licensed wireman or licensed electrician must be present at all times when electrical work is performed, and only licensed electrical contractors may sign building permit applications. It sets guidelines for the Board to follow in evaluating a license applicant's experience, training and fitness for electrical work.