

CODE OF ORDINANCES, CLIVE, IOWA

**CHAPTER 156**

**ELECTRICAL CODE**

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**156.01 PURPOSE.** It is the purpose of this chapter to require architects, builders, contractors, property owners, their agents and others, to meet their responsibilities with respect to proper construction, construction techniques, and premises safety and to provide for inspection as a means of compelling compliance therewith. It is not the purpose of this chapter to create any duty on the part of the City, its officers, agents, or employees, owing to any individual member of the public or to protect any particular or circumscribed class of persons. Specifically, it is not the intent of this chapter to create any duty or liability by the City, its officers, agents, or employees, to premises occupants, owners, tenants, or any other person.

**156.02 WARNING.** NO PERSON SHALL PLACE RELIANCE UPON THIS CHAPTER, ANY INSPECTIONS PERFORMED OR CERTIFICATES ISSUED PURSUANT TO THIS CHAPTER, AS INDICATING THE SAFETY OF OR QUALITY OF CONSTRUCTION OF ANY PARTICULAR PREMISES. NEITHER THIS CHAPTER NOR INSPECTIONS MADE PURSUANT THERETO NOR CERTIFICATES ISSUED ARE INTENDED TO ASSUME THE DUTY OF ANY PERSON TO ADEQUATELY CONSTRUCT AND MAINTAIN A PREMISES OR PROVIDE A SAFE PREMISES OR TO, IN ANY WAY, INDICATE A DECREASE IN THE RISK ASSOCIATED WITH THE USE OR OCCUPANCY OF ANY PREMISES. A CERTIFICATION THAT A PREMISES HAS BEEN INSPECTED PURSUANT TO THIS CHAPTER SHALL NOT IN ANY WAY, CONSTITUTE A WARRANTY OR GUARANTEE OF THE SAFETY OR QUALITY OF THAT PREMISES.

**156.03 INTERPRETATION.** The foregoing statements of legislative intent shall govern and take precedence over any other language contained in this chapter or the National Electric Code adopted herein.

**156.04 ADOPTION.**

Pursuant to published notice and public hearing, as required by law, the International Code Council Electrical Code (ICCEC) Administrative Provisions 2003 Edition; published by the International Code Council, Inc. and the National Electric Code, 2002 Edition, as prepared and edited by the National Fire Protection Association (NFPA 70), is adopted in full except for such portions as may be hereinafter deleted, modified or amended, shall constitute the "Electrical Code of the City of Clive, Iowa," to regulate the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all wiring, fixtures, appliances and appurtenances in connection with various electrical systems in the City of Clive, Iowa, and the same is, by this reference, incorporated herein as fully and completely as if herein set forth in full. The use of the term National Electrical Code in this chapter shall be interpreted to refer to the National Electrical Code 2002 Edition. An official copy of the National Electrical Code 2002 Edition, as adopted, and a certified copy of this chapter are on file in the Office of the City Clerk.

**156.05 SHORT TITLE.** This chapter shall be known as the “Clive Electrical Code” and may be cited as such and may also be known, referred to and cited as the “Electrical Code.”

**156.06 SCOPE.** The provisions of this Code shall apply to:

156.06.1. New Construction.

A. The installation of new electrical conductors and equipment within or on public and private buildings and their premises.

B. The installation of new service conductors that connect to any supply of electricity, either public or private.

156.06.2. Existing Buildings.

A. Additions to, alterations of, and repairs to existing electrical equipment, if covered by this code. The Electrical Inspector may, when such additions, alterations or repairs are made, order other reasonable additions or alterations in a building, structure, or on premises, when a danger to life or property may result if such other additions or alterations were not made.

B. Installations which were in compliance with the code in existence at the time such installations were made shall be presumed to be safe and proper, which presumption can be rebutted by evidence that the installation may be dangerous to life or property.

C. If the classification of a building has been changed due to a change in occupancy, the wiring in the entire building shall comply with all the electrical standards applicable to the new classification. If the occupancy of a building has been changed to a mixed occupancy, with the required fire separation between the mixed occupancy, each occupancy shall comply with its own particular classification and shall be wired in compliance with the electrical standards of its particular classification.

**156.07 INDEMNITY.** The applicant for any permit under this Code, by making such application, assumes and agrees to pay for all loss or damage to property whatsoever, and injury to or death of any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything there under, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code or any other ordinance of the City; and such applicant, by making such application, forever indemnifies the City, its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the City, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of any permit issued under this Code whether expressly recited therein or not.

**156.08 PERMIT REQUIRED.** No new installation, alteration or change shall be made in or upon the wiring of any building, nor shall any electric current be connected to any wires or apparatus without first securing a permit from the Clive Community Development Department.

**156.09 ISSUANCE OF PERMIT.** After proper application on forms provided by the Clive Community Development Department, permits shall be issued in the name of the person holding a contractor’s license and the name of the firm or corporation with whom the contractor is associated. A person holding an Electrical contractor’s license shall secure permits only for work done by the firm or corporation named on the contractor’s license. A licensed electrical contractor shall sign all applications for electrical permits. Permits are not transferable. No permits shall be issued to any person or company who has fees outstanding or who has outstanding violations of this code or any other laws or ordinances of this City.

**156.10 PERMIT FEES.** There shall be a fee paid for the issuance of permits. Permit fees and fees for other inspections shall be set forth in a fee schedule established and approved from time to time by the City Council. Fees on all buildings or structures constructed by any unit of the government or nonprofit organization may be waived by the City Council. No fees shall be collected on buildings or structures constructed by or for the City of Clive.

**156.11 EXPIRATION OF PERMIT.** Every permit issued under the provision of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within ninety days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of sixty (60) days. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefore shall be one-half of the amount required for a new permit for such work, provided that such suspension or abandonment has not exceeded one hundred twenty days.

**156.12 REVOCATION.** Any permit required by the provisions of this Code may be summarily revoked by the Construction Services Administrator upon the violation of any provision of this Code.

**156.13 INSPECTION.** Except as otherwise provided in this Code, no person shall cover or conceal or cause to be covered or concealed any wiring or electrical apparatus for which a permit has been issued, until such wiring or electrical apparatus has been inspected and approved as required by this Code. The Electrical Inspector shall have authority to remove or cause the removal of any obstructions, which may prevent the proper inspection of wires or electrical apparatus. Upon the completion of the wiring of any building, it shall be the duty of the company, firm or individual doing the same to notify the Electrical Inspector, who shall inspect the same on receipt of such notice for conformance to the provisions of this Code. Certificates of Occupancy shall not be issued unless the electric lights, power, heating or other electrical installation and all apparatus, wires, etc., connected with it, shall be in conformity with the rules and regulations set forth in this Code.

**156.14 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.**

The following are deleted from the ICCEC and are of no force or effect in this chapter:

Section 102.1.4 Change In Occupancy, 403.4 Posting the Permit, 702.4 Entry, Chapter 11 Means Of Appeal

**Referenced Codes - - Conflicts**

In the event there are requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

**Section 101.1 amended - - Title**

Section 101.1, Title, of the ICCEC is hereby deleted and there is enacted in lieu thereof the following section:

Section 101.1 Title. These regulations shall be known as the Electrical Code of the City of Clive, hereinafter known as “electrical code.”

### **Section 301.1 addition - - Creation of enforcement agency**

Sections 301.1, Creation of enforcement Agency, of the ICCEC, is hereby amended by adding the following paragraph to said section:

Section 301.1 Community Development Department. The term code official is intended to also mean the Community Development Department Director and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Construction Services Administrator.

### **Section 403.3 amended - - Extensions**

Section 403.3 Extensions, of the ICCEC is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 403.3 Extensions Any permittee holding an un-expired permit shall have the right to apply for an extension of the time within which the permittee will commence work under the permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. No permit shall be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.

### **Section 403.7 addition - - Suspension or revocation**

Section 403.7, Suspension or Revocation, of the ICCEC is hereby amended by adding the following to said section:

Section 403.7 Opportunity for hearing Before any permit is suspended or revoked, the Electrical official will provide the person to whom the permit was issued the facts and circumstances constituting the basis of such action, and an opportunity to be heard.

### **Section 1004 amended - - Stop work order**

Section 1004, Stop work order of the ICCEC is hereby amended by deleting said section and inserting in lieu thereof the following sections:

#### Section 1004 Stop Work Order

Section 1004.1 Authority Whenever the Construction Services Administrator finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Construction Services Administrator is authorized to issue a stop work order.

Section 1004.2 Issuance The stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists the building official shall not be required to give notice prior to stopping the work

Section 1004.3 Opportunity For Hearing Before any permit is suspended or revoked, the building official will provide to the person whom the permit was issued the facts and circumstances constituting the basis of such action, and an opportunity to be heard.

**Section 210.8 (B)(3) amended - - Ground-Fault Circuit-Interrupter Protection for Personnel**

Section 210.8 (B)(3), Other than dwelling units, of the NEC is hereby amended by deleting item (3) Kitchens and inserting in lieu thereof the following item #3:

Section 210.8 (B)(3) Kitchen Countertops - Food Preparation Areas

**156.15 ELECTRICAL CONTRACTOR'S LICENSE.** No person shall engage in the activity or represent himself or herself to the public as engaging in the activity of installing, altering, maintaining or repairing any electrical equipment within the scope of this subchapter unless such person shall have first obtained from the City an electrical contractor's license, except that the holders of current electrical contractor's licenses granted by the City prior to passage of this Code shall be reissued renewals of their licenses without taking the examinations herein provided. An electrical contractor's license shall be issued to any person holding an electrical contractor's license issued by the City of Des Moines, Iowa, or any other municipal corporation recognized by the City as having similar licensing standards. Before any electrical contractor's license is issued, the applicant shall be required to pay a fee, as set forth in a fee schedule established from time to time and approved by the Council. All licenses shall expire on December thirty-first, following the date of issue, and may be renewed annually upon application by the licensee together with the payment of required fees.

The provisions of this section shall not apply to:

1. The electrical work of a public utility company, telephone or telegraph company, nor the persons performing electrical work for such companies, where such electrical work is an integral part of the plan used by such public utility company or telephone or telegraph company in rendering its duly authorized service to the public.
2. A regular employee of any railroad who does electrical work only as a part of that employment.
3. The service or maintenance of warm air heating equipment by any person who is licensed as a mechanical contractor, provided that such service or maintenance shall only include electrical work on low voltage electrical equipment that is part of warm air heating equipment. Such work may include the connection of such warm air heating equipment to an existing individual branch circuit no larger than 20 Amp. Any person desiring to take an examination for any of the licenses or certificates required by this Code shall apply to the City of Des Moines or other approved city examination center.

**156.16 BOND.** Before any electrical contractor's license shall be issued, the applicant shall file with the Community Development Department a bond in the sum of five thousand dollars (\$5,000.00), to be approved by the Community Development Director, to save the City harmless on account of any and all failures on the part of the said applicant to comply in all particulars with the provisions of this Code, other ordinances of the City of Clive and all other applicable laws, and to insure the rectification of defective work.

**156.17 INSTALLATION BY OWNER.** In cases where the owner desires to perform the installation of minor wiring, fixtures, switches, or outlets in said owner's own residence, the owner may do so after demonstrating to the Construction Services Administrator that he or she is competent to do the specific work for which he or she desires a permit and obtaining a permit from the City Community Development Department. Installation of service conductors, service disconnects, service grounding or panel-boards shall not be allowed under this provision.

**156.18 ELECTRICAL INSPECTOR.** It shall be the duty of the Construction Services Administrator – appointed under provisions of the Clive Community Development Director to administer and enforce the provisions of this chapter and to make any required inspection or tests. For the purposes of this Code he/she may also be referred to as the Chief Electrical Inspector. A person or persons may be appointed as assistants or agents of the Construction Services Administrator - as may be necessary to carry out the provisions of this chapter. For the purpose of making inspections, tests, or otherwise discharging his/her official duties, the Electrical Inspector shall have the right to enter at any time any building, area, or manhole upon notifying the company or individual owning or having charge or control of the same. Whenever, in the judgment of the Electrical Inspector, any electrical wire or appliance shall be defective or dangerous, or whenever from any cause the premises shall be in such defective condition as to be in danger of fires, or accident to workmen or the general public, the Electrical Inspector shall at once order the removal of such defects and the remedying of such improper condition.

**156.19 CONNECTION TO SYSTEM.** It is unlawful for any person generating or distributing current for electric light, heat or power in the City to connect his or her system, or furnish current for electrical purposes to any building or premises, the wiring of which shall not have been inspected and approved by the Electrical Inspector. Any person violating the provisions of this section shall, upon written notice from the Electrical Inspector, immediately remove such connection and cut off such current.

**156.20 OUTSTANDING PERMITS.** If an electrical permit is outstanding, the provisions of this chapter and the Electrical Code adopted hereby, shall apply to the work authorized by such permit, except to the extent that the Electrical Inspector shall determine that the application of such provisions to said work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.

**156.21 VIOLATIONS.** Any person, firm or corporation, violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00 or by imprisonment of not more than 30 days or by municipal infractions as prescribed by law.

**156.22 APPEALS.** Any person affected by a decision of the Electrical Inspector may request and shall be granted a hearing on the decision, as described in Chapter 160 of this Code of Ordinances.

*(Ch. 156 – Ord. 709 – Jan. 01 Supp.)*