

**INTRODUCTORY LOCAL LAW NO. 2 OF 2020
VILLAGE OF CHESTER**

**A LOCAL LAW ADDING CHAPTER 45, ENTITLED “ELECTRICAL INSPECTIONS,” TO
THE VILLAGE CODE OF THE VILLAGE OF CHESTER**

BE IT ENACTED by the Board of Trustees of the Village of Chester, Orange County, New York as follows:

Section 1. Legislative Intent.

It is the intent of this local law to regulate electrical inspections through licenses and to establish a rotational list of qualified, licensed electrical inspectors in the Village of Chester.

Section 2. Authority.

This local law is adopted pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(12).

Section 3. Title and Amendment.

This local law shall be known as and may be cited as the “Electrical Inspections Law” of the Village of Chester.

The Village of Chester Code is hereby amended to add Chapter 45, entitled “Electrical Inspections,” as follows:

Chapter 45 Electrical Inspections

§ 45-1 Statement of findings and purpose.

- A.** The Village Board of the Village of Chester hereby finds that to protect the health, safety and welfare of the occupants and owners of property in the Village, electrical inspections shall be performed by qualified inspectors who are licensed by the Village to conduct such electrical inspections in accordance with this Chapter.
- B.** The purpose of this chapter is to establish a procedure whereby such inspectors shall apply for an electrical inspection license. This Chapter also establishes the duties of such inspectors, requires compliance with the provisions of this Chapter and provides for violations of the provisions of this chapter.

§ 45-2 Statement of authority.

This chapter is adopted pursuant to the delegation of authority as set forth in the Municipal Home Rule Law § 10(1)(ii)(a)(12).

§ 45-3 Definitions.

LICENSE shall mean a document authorizing a duly qualified electrical inspector to perform electrical inspections in the Village of Chester.

LICENSED INSPECTOR shall mean a person or entity licensed by the Village of Chester to perform electrical inspections.

§ 45-4 Licensing of individual inspectors and inspection organizations.

- A. No individual, partnership, corporation or other entity shall make electrical inspections in the Village of Chester unless licensed to do so by the Village of Chester Board of Trustees.
- B. Any person, corporation or other entity desiring to make electrical inspections in the Village of Chester may apply to the Code Enforcement Officer for an electrical inspection license on application forms prescribed by the Building Department. Applications shall be submitted and will be reviewed by the Village Board annually and must be submitted prior to November 1st to be considered for an electrical inspection license for the following year. Licenses that are granted by the Village Board shall be in effect for a one year period starting January 1st and ending December 31st unless otherwise suspended or revoked. The Board of Trustees may, as deemed necessary, modify license periods or license fees by resolution in carrying out the administration of this Chapter consistent with the needs of the Village and the circumstances presented.
- C. No applicant for a license shall be issued a license unless such applicant shall certify as part of their application that they accept and will comply with all the standards and criteria for electrical inspection agencies that are set forth in this chapter and the requirements of any applicable Federal, State and local law and regulation.
- D. Each applicant for an electrical inspection license shall pay a nonrefundable fee as shall be set from time to time by the Village Board. Any annual license issued by the Village Board hereunder shall expire on the 31st day of December.
- E. Any license issued by the Village Board may be suspended or revoked in the Village Board's sole and absolute discretion upon seven (7) days' written notice.
- F. Any license issued in accordance with this Chapter may not be transferred or assigned.
- G. The Village Board, by resolution, may set a maximum number of electrical inspector licenses to be issued at any one time or may otherwise cease issuing additional licenses where the Village Board, upon consultation with the Code Enforcement Officer, determines that there are a sufficient number of Licensed Inspectors in the Village.

§ 45-5 Qualifications and duties of electrical inspector.

No Licensed Inspector shall be deemed to be qualified within the meaning of this chapter unless such Licensed Inspector has first complied with all requirements set forth in this chapter and continues to comply with these requirements as follows:

- A. The Licensed Inspector shall furnish the Village of Chester with currently effective and valid certificates of insurance including statutory Workers' Compensation Insurance for its employees, Public Liability Insurance for property damage in the minimum amount of \$1,000,000 and personal injury claims in the minimum amount of \$1,000,000. The Licensed Inspector shall maintain such insurance policies in full force and effect during the period the license is effective and such policies shall name the Village of Chester as an additional insured. All cancellation notices must be sent to the Village of Chester upon issuance by the insurance agency.

- B.** Any person, if using a trade name or otherwise doing business under another name other than his or her own name, and all partnerships, corporations, limited liability companies, or other businesses or entities that is a Licensed Inspector shall furnish the Village of Chester Building Department with proof of filing of the proper business, partnership or corporate certificate with the appropriate recording office.
- C.** A Licensed Inspector shall not solicit of any person or entity or require, as a condition of inspection, any waiver of responsibility of an error, omission or recommendation made by its employees, agents or officers or for any other action of its employees, agents or officers.
- D.** A Licensed Inspector shall require all electrical work to meet standards of the latest revision of the New York State Uniform Fire Prevention and Building Code (hereinafter referred to as the "State Code") including the regulations of the applicable National Electric Code and all other applicable codes prescribed by the State of New York and the Village of Chester in which the inspected premises are located and also the applicable rules and regulations of the appropriate utility company. All references in this chapter to the State Code and other applicable codes, rules and regulations shall be deemed to include all amendments to same which may occur after the adoption of this chapter.
- E.** A Licensed Inspector shall not compete with others in any manner which would cause it to reduce the quality of its inspections. A Licensed Inspector shall not knowingly accept an application at any given location from any applicant who has received violations from another inspector, agency, utility company, insurance examiner and/or municipal official.
- F.** Each Licensed Inspector performing inspections must annually file a list of current inspection charges and fees with the Village of Chester. Established charges and fees will be applied uniformly and in no event shall a fee charged to any person exceed the fee set forth in the Licensed Inspector's schedule of fees. Inspections and reports shall be made only by Licensed Inspectors permitted to make such inspections by this chapter and by the relevant codes, utility companies and all other applicable governmental requirements. The Licensed Inspector shall insure that the inspectors they employ or any agent performing inspections on their behalf have adequate experience, education and training as follows:
 - 1)** Have a working knowledge of the principles of electricity necessary to interpret the National Electric Code (NEC), the Code of New York and other applicable requirements.
 - 2)** Know the requirements of the NEC, the Code and other applicable requirements.
 - 3)** Be familiar with the construction practices of the electrical wiring trade.
 - 4)** Each inspector shall submit written proof of successful completion of one of the following courses together with updates as required:
 - a)** International Association of Electrical Inspector's (IAEI) National Certification Program for Electrical Inspectors.
 - b)** National Certification Program for Construction Code (Electrical) Inspectors.
 - c)** The National Fire Protection Association's "National Electric Code 32 Hour Course".

- d) Any other comparable course as approved by the Village of Chester Code Enforcement Officer.
- G. A Licensed Inspector and its employees or agents shall comply with all Federal, State and local laws, ordinances, rules and regulations pertaining to any electrical inspection.
- H. Licensed Inspectors agree to maintain adequate records so that the Licensed Inspector can provide the Village of Chester and applicable officials with records of inspections when requested. Such records shall be maintained by the Licensed Inspector for a minimum of five years.
- I. For good cause and when requested by the Village of Chester prior to issuance of a Certificate of Occupancy, the Licensed Inspector will perform a re-inspection of an existing electrical service and related components and submit a formal report to the utility company, Village of Chester Building Department, applicant and/or landowner in letter form.
- J. All inspections will be completed and certificates issued in a timely manner to ensure that applicants are not subjected to undue delay in receiving electric service. Inspections shall normally be made within 48 hours of the request for inspection. Inspection reports and certificates will be submitted to the Building Department within 48 hours of inspection.
- K. All Licensed Inspectors, upon request of the Village of Chester Code Enforcement Officer, shall submit proof to such Department as to the requirements set forth in this chapter as to their individual qualifications and competence. The Village of Chester Code Enforcement Officer shall have the authority to determine that the particular Licensed Inspector is unqualified to perform such inspections in the Village of Chester for good cause, including, without limitation, such Licensed Inspector's exhibited lack of knowledge of the particular codes and regulations. Prior to making such determination, the Code Enforcement Officer shall provide written notice to the Licensed Inspector setting forth the reasons for the particular concerns. The Licensed Inspector shall be afforded 10 days from the date of such notice to submit written proof to the Code Enforcement Officer in response to the issue of the qualifications and competence of the Licensed Inspector. Within 10 days of receipt of such response or if no response is received, within 10 days of the mailing of the notice, the Code Enforcement Officer shall render a final determination in writing setting forth the reasons for such determination.
- L. All Licensed Inspectors shall avoid conflicts of interest with a client or owner of a property that is subject to an inspection by the Licensed Inspector. Any appearance of a conflict of interest shall be promptly disclosed by the Licensed Inspector prior to conducting any inspection. Failure to disclose a conflict of interest shall result in the immediate suspension or revocation of the Licensed Inspector's license.
- M. No Licensed Inspectors will perform or provide any electrician services in the Village of Chester.
- N. Failure of any Licensed Inspector to abide by the provisions of this local law shall be grounds for the Village of Chester to provide notice to such Licensed Inspector, applicant and landowner that such Licensed Inspector is no longer qualified to perform such inspections in the Village of Chester.

§ 45-6 Electrical inspectors are not employees or agents of the Village.

- A. Licensed Inspectors shall not be deemed to be employees or agents of the Village. The Licensed Inspector shall be deemed independent contractors hired by the property owner or applicant and whose fees shall be paid by the property owner or applicant. Nothing herein shall be deemed to preclude a Licensed Inspector from being held liable to an applicant or landowner for any damages related to the acts or omissions of said Licensed Inspector. Further, the Village of Chester shall have no liability to any applicant or landowner with respect to the services performed by the Licensed Inspector.
- B. It shall remain the duty of the Code Enforcement Officer to enforce all provisions of the New York State Uniform Fire Prevention and Building Code, including all violations or deviations from or omissions of the electrical provisions of said Code and also of any other local laws and/or ordinances of the Village insofar as any of the same apply to electrical wiring. The Village Code Enforcement Officer or his or her duly authorized designee retains at all times the right to make inspections and re-inspections of electrical wiring, installations, devices, appliances and equipment, in or on properties within the Village of Chester where he or she deems it necessary for the protection of life and property.
- C. The Village of Chester shall not be responsible for payment of any costs, expenses or fees relative to the work of the Licensed Inspectors authorized hereunder.

§ 45-7 Penalties for offenses.

- A. It shall be a violation of this chapter for any person, firm, entity or corporation to offer electrical inspection services or perform electrical inspection services in the Village of Chester without obtaining a License as set forth in this chapter.
- B. The penalty for a violation of this chapter shall be a fine up to \$250 or up to 15 days in jail, or both such fine and jail sentence. Each day that a violation has been in existence shall be deemed to be a separate violation.

Section 4. SEQRA.

Enacted of this local law is a Type II action.

Section 5. Severability.

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, corporation or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law or in its application to the person, individual, firm, corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective date.

This local law shall be effective immediately upon filing with the Secretary of State.