

BOROUGH OF DONORA
WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 1133

AN ORDINANCE OF THE BOROUGH OF DONORA ADOPTING RULES AND REGULATIONS AFFECTING ELECTRIC WIRING AND APPARATUS NOW IN EXISTENCE AND IN THE CONSTRUCTION, RECONSTRUCTION, ALTERATION OR REPAIR OF BUILDINGS, STRUCTURES OR ANY OUTDOOR ELECTRICAL DISPLAYS OR SIGNS, DEFINING THE DUTIES AND POWERS OF THE BUILDING OFFICIAL, INCLUDING PERMITS AND PENALTIES FOR THE VIOLATIONS THEREOF.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Donora, Washington County, Pennsylvania as follows:

SECTION ONE: Adoption of National Electrical Code.

There is hereby adopted by the Borough of Donora, for the purpose of establishing rules and regulations for the installation, renewal, extension, and reception of electric wiring and electric apparatus in existing buildings, structures, or outdoor electrical displays or signs, or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, that certain code known as the "National Electrical Code" as recommended by the National Fire Protection Association, being particularly the 1971 Edition thereof and the whole thereof, hereinafter referred to as the "National Electrical Code", of which not less than three (3) copies have been and now are filed in the office of the Secretary of the Borough and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling for all existing and future electrical wiring and apparatus in buildings, structures, or outdoor electrical displays or signs within the corporate limits of the Borough of Donora.

SECTION TWO: Enforcement.

The National Electrical Code adopted in Section One hereof shall be enforced by the office of building official of the Borough of Donora, heretofore created by ordinance of the Borough, and the executive official in charge shall be known as the Building Official. The Building Official shall, upon the installation, renewal, extension and reception of any electric wiring and electric apparatus pursuant to this Ordinance, cause an inspection or inspections to be made by himself or his duly authorized agents, to determine that the electrical work conforms with the provisions of the "National Electrical Code" and this Ordinance and the provisions of the ordinances of this Borough and the statutes of the State of Pennsylvania.

SECTION THREE: Prohibition Without Permit.

No persons, co-partnership, firm association, corporation or other legal entity shall hereafter install, receive, renew or extend electrical wire or conductors to be used for the transmission of electric current for electric light heat or power purposes in existing buildings, structures or outdoor electrical displays or signs or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, without first applying for and obtaining a permit to do so pursuant to the provision of this Ordinance.

(a) All such applications for a permit shall be made to the Building Official in writing on forms supplied by said Building Official.

(b) Any person making any false answers to any of the questions or items set forth in such application form shall forthwith forfeit and surrender any permit issued pursuant thereto.

(c) Such application form shall contain questions designed to elicit information to determine whether or not said proposed electric wiring and electric apparatus complies with the "National Electrical Code" and any other ordinance of this Borough or the laws of the State of Pennsylvania.

(d) Each such application form shall be accompanied by a fee prescribed by this Ordinance.

(e) Each applicant for a permit shall furnish to the Building Official proof in writing that an application for inspection of the proposed electric wiring and electric apparatus has been made to "Middle Department Association of Fire Underwriters" a non-profit corporation, herein after referred to as "Underwriters", or a similar organization that specializes in such inspections, to determine that the electrical work conforms with the provisions of the "National Electrical Code" and this Ordinance. The payment of an inspection fees and charge of the "Underwriters" or a similar organization shall be borne by the applicant.

(f) Each applicant for a permit shall cause the premises covered by the application to be open for inspection or inspections to the Building Official and his agents and the representative or representatives of the "Underwriters" or similar organizations at all reasonable times.

(g) Upon the Building Officials determination that the proposed electric wiring and electric apparatus comply with the National Electrical Code and the provisions of this Ordinance and the provisions of the ordinance of this Borough and the laws of the State of Pennsylvania, a permit shall issue forthwith.

(h) All permits shall expire at expiration of one year from the date of issuance by the Building Official.

SECTION FOUR: Inspection of Work Under Permit.

(a) All inspections shall be made to insure that the proposed electrical work complies with the provisions of the National Electrical Code. No electric wiring shall be concealed unless inspected and approved by the Building Official and his agents and the representative or representatives of the "Underwriters" or similar organizations, but such inspection or reinspection shall be made within a reasonable time after notice of the completion of the electrical work sought to be inspected for approval. A duplicate record of each written approval made by the "Underwriters" or similar organizations shall be filed with the Building Official.

(b) All decisions made to determine whether or not the proposed electrical work complies with the provisions of the "National Electrical Code" shall be made by the Building Official.

(c) The Building Official shall have the power to stop electrical work and order the removal thereof when he determines that such work is being installed not in conformity with the "National Electrical Code" and this Ordinance and the provisions of the ordinances of this Borough and the Laws of the State of Pennsylvania.

(d) The Building Official may waive his inspection of all or that portion of the proposed electrical work of which he shall have received a duplicate record of approval by the "Underwriters" or similar organizations that it complies with the provisions of the "National Electrical Code" and this Ordinance. Notice of the waiver of inspection shall be served on the applicant so that the approved work can be concealed.

SECTION FIVE: Inspection of Existing Electrical Wiring and Apparatus.

In order to safeguard persons and property against the hazards and perils incident to defective electric wiring and apparatus that are or may now be in existence within the corporate limits of the Borough, the Building Official is hereby given the duty to inspect with his agents and the representative or representatives of the "Underwriters" or similar organizations when requested by proper authority, or when public interest so requires, any premise within the Borough at reasonable times to insure that the existing electric wiring system and apparatus is not defective and unsafe.

(a) All decisions that the existing electric wiring system and apparatus is defective shall be made by the Building Official in writing on notice of the owner of the premises served forthwith personally or by regular mail addressed to the address as shown on the latest tax records, with reasons for this decision.

(b) Upon the Building Official's decision that the existing electric wiring system is defective and unsafe, aforesaid, the system or portions of the system which are defective and unsafe shall be discontinued until it is corrected and made to comply with the provisions of the "National Electrical Code" in accordance with this Ordinance.

SECTION SIX: Hearing.

Every applicant and owner of the premises and other parties in interest shall have the right to demand in writing a hearing before the Building Official to contest any decision or order made by him. Such demand for a hearing shall be signed by the contesting party stating what portions of the Building Official's decision or orders are contested and his, her, or their interest in the premises.

(a) The Building Official shall fix a time and place for the hearing not less than 10 days nor more than 30 days after receiving such demand for a hearing and cause a notice of the hearing to be served personally or by regular mail on the contestant, owner of the premises and other parties in interest.

(b) The contestant, owner of the premises and other parties in interest shall have the right to appear in person, or otherwise, and give testimony at the hearing, and the rules of evidence prevailing in the courts shall not be controlling.

(c) The Building Official, within a reasonable time after such hearing, shall make his decision in writing with a finding of the facts and the reasons for his decision, and serve a copy of his decision personally or by regular mail on the contestant, owner of the premises and other parties in interest.

SECTION SEVEN: Approved Materials.

Only the materials, fittings and devices enumerated in the "List of Inspected Appliances" of Underwriters Laboratories, Inc., as revised from time to time, shall be used in the electrical work regulated by the "National Electrical Code" and this Ordinance.

SECTION EIGHT: Supplements.

The "National Electrical Code" herein adopted is supplemented by adding thereto the following which is made a part thereof.

(a) Whenever a permit is required under the terms of this Ordinance for electrical wiring and apparatus to be done in connection with a gas or oil burner installation in any existing building or structure or in the construction, reconstruction, alteration or repair of buildings or structures, there shall be installed an emergency shut off switch with a red plate thereon marked "oil burner" or "gas burner" as the case may be, at the entrance to the basement or heating room.

SECTION NINE: Modification on Application.

The Building Official shall have the power to modify any of the provisions of this Ordinance, upon application in writing by the owner of a premise or his agent, when there are practical difficulties in the way of carrying out the strict letter of this Ordinance, provided that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

SECTION TEN: Records.

All records of the Building Official pursuant to this Ordinance shall be open to public inspection for good and sufficient reasons during office hours, but shall not be removed from the office of the Building Official without his written consent.

SECTION ELEVEN: Exemption.

No permit shall be required under this Ordinance for the following electrical work:

- (a) Minor repair work such as the replacement of lamps and fuses.
- (b) The connection of portable electrical appliances to suitable permanently installed appliances.
- (c) Equipment installed or work performed by a railway utility in the exercise of its function as a utility and located in or on its right of way.
- (d) Equipment used in connection with commercial radio and television transmission.
- (e) Repair manufacturing and maintenance work on premises occupied by a firm or corporation, and installation work on existing building occupied by a firm or corporation, and performed by a regular employee who is a qualified journeyman electrician.

SECTION TWELVE: Fee.

Fees for permits or renewals thereof required by this Ordinance shall be as follows:

- (a) Where the total valuation of the electrical work as determined by the Building Official is less than \$25.00, no fee shall be required for the permit.
- (b) More than \$25.00 and not more than \$100.00, the sum of one dollar (\$1.00).
- (c) More than \$100.00 and not more than \$200.00, the sum of two dollars (\$2.00).
- (d) More than \$200.00 and not more than \$500.00, the sum of five dollars (\$5.00).
- (e) More than \$500.00 and not more than \$1,000.00, the sum of ten dollars (\$10.00).
- (f) More than \$1,000.00, the sum of ten dollars (\$10.00) plus the sum of \$1.00 for each \$1,000.00 or fraction thereof of total valuation.

SECTION THIRTEEN: Penalties.

Any person who shall violate any of the provisions of this Ordinance or of the "National Electrical Code: hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall do or cause to be done electrical work in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Building Official within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of violating this Ordinance, punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment for not exceeding ninety (90) days or by both such fine and imprisonment within the discretion of the Magistrate before whom such conviction is obtained. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited condition are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION FOURTEEN: Repeal of Conflicting Ordinances.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the "National Electrical Code" hereby adopted are hereby repealed.

SECTION FIFTEEN: Validity.

The invalidity of any section or part of this Ordinance shall not effect the remaining sections.

SECTION SIXTEEN: Date of Effect.

This Ordinance shall take effect 30 days immediately upon its final passage and publication according to law.

ORDAINED AND ENACTED INTO AN ORDINANCE this 1ST day of FEBRUARY, 1973.

ATTEST:

BOROUGH OF DONORA

James E. Petrus
Borough Secretary

BY _____
President of Council

(BOROUGH SEAL)

EXAMINED AND APPROVED BY ME this _____ day of _____, _____.

ATTEST:

BOROUGH OF DONORA

James E. Petrus
Borough Secretary

Mayor

(BOROUGH SEAL)