

HILLTOWN TOWNSHIP ORDINANCE NO. 88 - 4

AN ORDINANCE OF HILLTOWN TOWNSHIP ADOPTING AN ELECTRICAL CODE TO GOVERN THE INSTALLATION, RENEWAL, EXTENSION AND RECEPTION OF ELECTRIC WIRING AND APPARATUS AND TO PROVIDE FOR ISSUANCE OF PERMITS, COLLECTION OF FEES, INSPECTIONS, AND PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF HILLTOWN TOWNSHIP AS FOLLOWS:

SECTION I. Adoption by Reference - Hilltown Township hereby adopts, 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, the electrical code known as the "National Electrical Code, 1987 Edition," as recommended by the National Fire Protection Association, and the same is hereby adopted and incorporated as fully as if set out in length herein.

SECTION II. Enforcement - The "National Electrical Code" adopted in Section I hereof shall be enforced by the Building Inspector. The Building Inspector shall, upon the installation, removal, extension and reception of any electrical 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 "National Electrical Code", this ordinance and other ordinances of Hilltown Township and the statutes of the Commonwealth of Pennsylvania.

SECTION III. Prohibition Without Permit - No person, 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 this ordinance.

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

2. Any person making false answers to any questions or items set forth in such application forms shall forfeit and surrender any permit issued pursuant thereto.

3. Such application form shall contain questions designed to elicit information to determine whether or not said proposed electric wiring and electric apparatus comply with the "National Electrical Code", any other ordinances of the Hilltown Township and statutes of the Commonwealth of Pennsylvania.

4. Each such application form shall be accompanied by a fee prescribed by the Hilltown Township Fee Schedule Resolution in effect at the time of filing.

5. Each applicant for a permit shall furnish to the Building Inspector proof in writing that an application for inspection of the proposed electric wiring and electric apparatus has been made to a local area inspection agency 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 all inspection fees and charges of the local area inspection agency shall be borne by the applicant.

6. Each applicant for a permit shall cause the premises covered by the application to be open for inspection or inspections by the Building Inspector and his agents and the representative or representatives of the local area inspection agency at all reasonable times.

7. Upon the Building Inspector's determination that the proposed electric wiring and electric apparatus comply with the "National Electric Code", this and other ordinances of the Hilltown Township and the statutes of the Commonwealth of Pennsylvania, a permit shall be issued.

8. All permits shall expire one year from the date of issuance by the Building Inspector.

SECTION IV. Inspection of Work Under Permit

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

2. 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 Inspector.

3. The Building Inspector 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 with "National Electrical Code", this and other ordinances of the Hilltown Township and the statutes of the Commonwealth of Pennsylvania.

4. The Building Inspector may waive his inspection to determine compliance with the "National Electrical Code" and this ordinance of all or that portion of the proposed electrical work for which he shall have received a duplicate record of approval by the local area inspection agency. The Building Inspector shall give notice so that the approved work can be concealed.

SECTION V. 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 Hilltown Township the Building Inspector is hereby given the power and authority to inspect with his agents and the representative or representatives of the local area inspection agency, when requested by proper authority, or when public interest so requires, any premise within the Hilltown Township at reasonable times to insure that the existing electric wiring system and apparatus is not defective and unsafe.

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

2. Upon the Building Inspector's decision that the existing electric wiring system is defective and unsafe as 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 provisions of the "National Electrical Code" in accordance with this ordinance.

SECTION VI. Hearing - Every applicant and owner of the premise and other parties in interest shall have the right to demand in writing a hearing before the Board of Supervisors of Hilltown Township to contest any decision or order made by them. Such demand for a hearing shall be signed by the contesting party stating what portions of the Building Inspector's decision or orders are contested and his, or her, or their interest in the premises.

1. The Building Inspector shall fix a time and place for the hearing not less than ten (10) days nor more than thirty (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.

2. 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. Rules of evidence prevailing in the courts shall not be controlling.

3. The Board of Supervisors of Hilltown Township, within a reasonable time after such hearing, shall make their decision in writing with a finding of the facts and the reasons for their decision, and serve a copy of their decision personally or by regular mail on the contestant, owner of the premises and other parties in interest.

4. The decision of the Board of Supervisors of Hilltown Township shall be final.

SECTION VII. 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 VIII. Supplements - The "National Electrical Code" herein adopted is supplemented by adding thereto the following which is made a part hereof:

1. 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 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 IX. Modification on Application - The Building Inspector 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 X. Records - all records of the Building Inspector 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 Inspector without his written consent.

SECTION XI. Exemption - No permit shall be required under this ordinance for the following electrical work:

1. Minor repair work such as the replacement of lamps and fuses.

2. The connection of portable electrical appliances to suitable permanently installed appliances.

3. Equipment installed or work performed by or for a public utility operating under authority granted by the Pennsylvania Public Utility Commission of the Commonwealth of Pennsylvania.

4. 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.

5. Equipment used in connection with commercial radio and television transmission.

6. Repair manufacturing and maintenance work on premises occupied by a firm or corporation and performed by a regular employee who is a qualified journeyman electrician.

SECTION XII. Penalties - Whenever any such person specified in the paragraph above who violates this ordinance or the Building Code will be issued a Cease and Desist form by the Building Inspector. The Cease and Desist form will list the violations and correction of the violation shall commence within five (5) days after notice and correct all violations within thirty (30) days of notice. If corrections are not commenced within five (5) days or completed within thirty (30) days, each day that a violation continues shall be considered a separate offense punishable by the like fine or penalty, and additional written notice shall not be necessary.

Any person who shall violate any provision of the Electrical Code shall, for each and every violation, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars and cost of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days.

The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions, by an action at law or in equity instituted by the Township of Hilltown.

SECTION XIII. State Law and Regulations - In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this ordinance. The code shall control in all cases where the State requirements are not as strict as those contained in this ordinance.

SECTION XIV. Validity - The invalidity of any section or part of this ordinance shall not affect the remaining sections.

SECTION XV. Provisions to be Continuation of Existing Regulations - The provisions of this ordinance, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under authority of any of the repealed ordinances.

SECTION XVI. Repealer - All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

SECTION XVII. Severability - If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Township of Hilltown that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION XVIII. Effective Date - This ordinance shall become effective five (5) days after enactment hereof.

ENACTED AND ORDAINED this 22nd day of August, 1988 by the Board of Supervisors of Hilltown Township.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

Robert W. G.

Betty J. Kelly

John H. Bennett Jr.