

**COUNCIL OF THE TOWN OF LA PLATA**  
**Ordinance No. 12-09**

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**Introduced By:** Mayor Roy G. Hale, by request

**Date Introduced:** May 22, 2012

**Amendments Adopted:**

**Date Adopted:** July 24, 2012

**Date Effective:** August 8, 2012

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1 **An Ordinance concerning**

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4 **NATIONAL ELECTRICAL CODE NEC 2008 – NFPA 70**

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6 **FOR** the purpose of adopting the National Electrical Code NEC 2008 – NFPA 70, with certain  
7 modifications, as the code for the regulation, and control of the design, construction,  
8 quality of materials, erection, installation, alteration, repair, location, relocation,  
9 replacement, addition to, use or maintenance of electrical systems in the Town of La  
10 Plata; providing for the administration and enforcement of that code; specifying penalties  
11 for violations; providing that the provisions of this Ordinance are severable; and all matters  
12 generally related thereto.

13 \* \* \* \* \*

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16 **BY** repealing and reenacting, with amendments  
17 Chapter 75 – Building Construction  
18 Article III, Electrical Code  
19 Sections 75-5 and 75-5.1  
20 Code of the Town of La Plata  
21 (1998 Edition and Supplements).

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23 **SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA**  
24 **PLATA,** That Sections 75-5 and 75-5.1 of the Code of the Town of La Plata (1998 Edition and  
25 Supplements) be and they are hereby repealed and reenacted, with amendments, to read as  
26 follows:

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28 **Chapter 75 – BUILDING CONSTRUCTION**  
29 **Article III. Electrical Code**

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31 **75-5. Adoption of standards; copies on file.**

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33 Subject to the provisions of §75-5.1, there is hereby adopted by the Town of La Plata for the  
34 purpose of regulating and controlling the design, construction, quality of materials, erection,  
35 installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance

36 of electrical systems in the Town of La Plata the ((International Electrical Code-Administrative  
37 Provisions 2006, as published by the International Code Council)) NATIONAL ELECTRICAL  
38 CODE NEC 2008-NFPA 70, AS PUBLISHED BY THE NATIONAL FIRE PROTECTION  
39 ASSOCIATION (NFPA). Not less than one (1) copy of the ((International Electrical Code-  
40 Administrative Provisions 2006)) NATIONAL ELECTRICAL CODE NEC 2008-NFPA 70,  
41 PREVIOUSLY ADOPTED AND KNOWN AS THE INTERNATIONAL ELECTRICAL CODE -  
42 ADMINISTRATIVE PROVISIONS 2006, shall be kept on file in the office of the Town Clerk.  
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44 **75-5.1 Modifications.**

45 The ((International Electrical Code-Administrative Provisions 2006)) NATIONAL  
46 ELECTRICAL CODE NEC 2008-NFPA70, as adopted by §75-5, is modified as set forth below:  
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49 A. ((In the second line of Section 101.1 on page 1, in the space labeled "[NAME OF  
50 JURISDICTION]" insert "Town of La Plata."))  
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52 B. ((Section 102.6 on page 1 is revised to read as follows:))  
53 **((102.6) Referenced codes and standards:** The codes and standards referenced in this  
54 code shall be those listed in Chapter 13 and shall be considered part of the requirements of  
55 this code to the prescribed extent of each such reference, except to the extent that any of  
56 such standards have been expressly modified in the Code of the Town of La Plata. Where  
57 differences occur between the provisions of this code and the referenced codes and  
58 standards, the provisions of this code shall apply. THE CHARLES COUNTY BOARD OF  
59 ELECTRICAL EXAMINERS IS THE AUTHORITY HAVING JURISDICTION (AHJ)  
60 OVER THE ELECTRICAL CODE. THE TOWN OF LA PLATA'S CONTRACT  
61 INSPECTION SERVICE MAY MAKE DAY-TO-DAY INTERPRETATION OF THE  
62 ELECTRICAL CODE.

63 **Exception:** Where enforcement of a code provision would violate the conditions of the  
64 listing of the equipment or appliance, the conditions of the listing and manufacturer's  
65 instructions shall apply.  
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67 \* \* \*

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69 D. The definition of "CODE OFFICIAL" ((as contained in Section 202 on page 3 is  
70 revised)) to read as follows:

71 **CODE OFFICIAL:** The ((director of the department)) MANAGER of inspections of the  
72 Town, or such other person as the town's chief executive officer may designate.  
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74 E. ((Section 301 on page 5 is deleted in its entirety.)) LOCAL AMENDMENT  
75 NUMBER ONE (1): ALUMINUM CONDUCTORS ARE NOT ALLOWED IN SIZES  
76 SMALLER THAT #6.  
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78 F. ((Section 302.2 on page 5 is deleted in its entirety.)) LOCAL AMENDMENT

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NUMBER TWO (2): INTERIOR WIRING CONNECTIONS TO HEAT PUMPS, A/C UNITS AND ELECTRIC HEAT MUST BE DONE WITH COPPER CONDUCTORS.

G. ((In the third line of Section 302.3 on page 5, delete "issue" and substitute "authorize the issuance of.")) LOCAL AMENDMENT NUMBER THREE (3): COLOR CODING OF CONDUCTORS IS REQUIRED.

H. ((Section 302.9 on page ((9)) 5 is deleted in its entirety.))

I. ((In the first line of Section 403.6 on page 8, delete "code official" and substitute "Town."))

J. ((Section 404.2 on page 8 is revised to read as follows:))  
**((404.2 ))Fee Schedule:** The fees for all work for which a permit is required by this code shall be as prescribed by ordinance adopted by the Town Council from time to time.

K. ((Section 404.5 on page 8 is revised to read as follows:))  
**((404.5)) Refund:** The code official shall authorize the refunding of the full amount of any fee that was erroneously paid or collected. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of the fee payment.

L. ((Section 1002.5 on page 19 is deleted in its entirety and new Section 1002.5 is substituted in lieu thereof, to read as follows:))

**((1002.5)) Prosecution of violation:** In addition to the penalties ((provided for in Section 1003.1)), in case of failure to comply with a notice of violation within the time specified in the notice, or in case of any other unlawful acts under this code, the code official, with the approval of the chief executive officer of the Town, may institute in the name of the Town an appropriate civil action or proceeding against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent, or to require the termination or removal of, the occupancy of the structure that is not in compliance with the provisions of this code or any order or direction made pursuant thereto.

M. ((Section 1003.1 on page 19 is deleted and new Section 1003.1 is substituted in lieu thereof, to read as follows:))

**((1003.1)) Violations and Penalties:**

1. Knowing and intentional violations of this code or of any order or directive of the code official, or the erection, installation, alteration or repair of any electrical system or

122 installation in a building or structure in violation of the approved construction documents or  
123 directive of the code official, or of a permit or certificate issued under this code, are declared  
124 to be misdemeanors. Any person who knowingly and willfully commits any of these acts  
125 shall, upon conviction, be subject to a penalty as set forth in Chapter 1, Article III, and  
126 particularly § 1-21, of the Code of the Town of La Plata 1998. Each day that one of these  
127 acts continues is a separate offense.

128 2. Except as provided in paragraph 1 above, violations of this code, or of an order or  
129 directive of the code official, or the erection, installation, alteration or repair of any electrical  
130 system or installation in a building or structure in violation of the approved construction  
131 documents or directive of the code official, or of a permit or certificate issued under this  
132 code, are declared to be municipal infractions, and shall be subject to the penalties and  
133 procedures as provided in Chapter 1, Article III, and particularly § 1-22, of the Code of the  
134 Town of La Plata 1998. Each day that one of these acts continues is a separate offense.

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136 N. ((In the last line of Section 1004.3 on page 19, delete "law" and substitute "Section  
137 1003.1.1."))

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139 O. ((Section 1101.1 on page 21 is deleted, and new Section 1101.1 is substituted, to  
140 read as follows:))

141 **((1101.1) Appeals ((to Board of Appeals)):** ((The board of appeals provided for in  
142 Chapter 9 of the Code of the Town of La Plata may hear and decide appeals of orders,  
143 decisions or determinations of the code official relating to the application and  
144 interpretation of this code. All appeals filed pursuant to Section 1103.1 shall be governed  
145 by the provisions of such Chapter 9 and by any rules of procedure adopted by the Board  
146 of Appeals pursuant to Chapter 9)) **ANY DISPUTES RELATIVE TO THE**  
147 **INTERPRETATION OF THE ELECTRICAL CODE SHALL BE SUBMITTED TO**  
148 **THE CHARLES COUNTY BOARD OF ELECTRICAL EXAMINERS FOR A FINAL**  
149 **DECISION.**

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151 P. ((Section 1102, "MEMBERSHIP" on page 21 is deleted in its entirety.))

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153 Q. ((Section 1103, "procedures", on page 21 is deleted.))

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155 **SECTION 2. AND BE IT FURTHER ENACTED,** That if any provision of this Ordinance, or  
156 the application thereof to any person or circumstance is held invalid for any reason, such invalidity  
157 shall not affect the other provisions or any other application of this Ordinance which can be given  
158 effect without the invalid provisions or application, and to this end, all the provisions of this  
159 Ordinance are hereby declared to be severable.

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161 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Ordinance shall become  
162 effective at the expiration of fifteen (15) calendar days after its approval by the Council.

SEAL:

COUNCIL OF THE TOWN OF LA PLATA

*Roy G. Hale*  
Roy G. Hale, Mayor

*R. Wayne Winkler*  
R. Wayne Winkler, Councilman

*C. Keith Back*  
C. Keith Back, Councilman

*Paretta D. Mudd*  
Paretta D. Mudd, Councilwoman

ATTEST:

*Danielle Mandley*  
Danielle Mandley, Town Clerk  
Date 7/24/12

*Absent*  
Joseph W. Norris, Councilman

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW  
((Double Parenthesis)) indicate matter deleted from existing law.  
\* \* \* indicates existing law not depicted in bill and not being altered by bill  
Underlining indicates amendments to bill.  
~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.