

ORDINANCE NO. 81-

AN ORDINANCE GOVERNING THE PROPER MAINTENANCE, INSTALLATION, ALTERATION, CONSTRUCTION, AND SERVICING OF ELECTRICAL SYSTEMS, ADOPTING THE NFPA NATIONAL ELECTRICAL CODE OF 1981 WITH ALL SUPPLEMENTS TO DATE, AND TO BE ISSUED IN THE FUTURE, ENACTED FOR THE PURPOSE OF PRACTICAL SAFEGUARDING OF PERSONS AND PROPERTIES FROM THE HAZARDS ARISING FROM THE USE OF ELECTRICITY.

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Hilltown Township, Bucks County, Pennsylvania, and it is hereby enacted and ordained by authority of same:

Section I. The NFPA National Electrical Code of 1981 as promulgated by the National Fire Protection Association under the auspices of the American National Standards Institute, with all supplements to date, and there to be issued in the future is adopted with the following additions, insertions, and changes to the basic NFPA National Electrical Code.

Section II. Supplements, Deletions, and Modifications.

Article 90-0. Title: The regulations as set forth herein shall be known as the Electrical Code of Hilltown Township and is herein referred to as such or as "this code".

Article 90-4. This article is amended by being deleted as written and amended to read as follows:

- a. Enforcement Officer: It shall be the duty and responsibility of the electrical inspector, or his duly authorized representative, to enforce the provisions of the Electrical Code as herein set forth.

- b. Inspections: The electrical inspector shall inspect all structures and premises as often as may be necessary for the purpose of ascertaining and causing to be corrected, any conditions liable to endanger life or any violations of the provisions or intent of this code or any other ordinance affecting electrical safety.
- c. Coordinated Inspections: Whenever in the enforcement of the Electrical Code or another code or ordinance responsibility of more than one enforcement official of the jurisdiction may be involved, it shall be their duty to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors, nor multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent actual violation of some provisions of some law, ordinance, or code of the jurisdiction, not within his authority to enforce, he shall report his finding to the official having jurisdiction in order that such official may institute the necessary corrective measures.
- d. Right of Entry: Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the electrical inspector has reasonable cause to believe

that there exists in any structure or upon any premises, any conditions which make such structure or premises unsafe, the electrical inspector may enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the electrical inspector by this code; provided that if such structure or premises be occupied, he shall first present proper credentials and request entry. If such entry is refused, the electrical inspector shall have recourse to every remedy provided by law to secure entry.

- e. Investigation: The electrical inspector shall investigate, or cause to be investigated, every fire or explosion occurring within the jurisdiction that is of a suspicious nature or which involves the loss of life or serious injury or causes destruction or damage to property and which is electrical in nature. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion; and if it appears that such an occurrence is of an electrical nature, the electrical inspector shall take charge immediately of the physical evidence in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, and take means to prevent access by any person or persons to such building, structure or premises until such evidence has been properly processed.

The electrical inspector shall notify such persons designated by law to pursue investigations into such matters and shall further cooperate with such authorities in the collection of evidence and prosecution of the case and shall pursue the investigation to its conclusion.

- f. Electrical Records: The electrical inspector shall keep a record of all electrical fires and all facts concerning the same, including investigation findings and statistics and information as to the cause, origin and extent of such fires and damages caused thereby. The electrical inspector shall also keep a record of all electrical violations and all facts concerning the same, including investigation findings and statistics and information as to the cause, origin, and the extent of such violation.
- g. Administrative Liability: The electrical inspector, charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby render himself liable personally and he is thereby relieved from all personal liability for any damage that may accrue be it persons or property as the result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful

discharge of his duties and under the provisions of the code, shall be defended by the legal representative of the jurisdiction until the final determination of the proceedings. The electrical inspector or any of his subordinates shall not be liable for costs in any action, suit or proceeding that may be instituted and pursuant to the provisions of this code; in any official, office or employee acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.

- h. Jurisdictional Liability: The jurisdiction shall not be liable under this code for any damage to persons or property by reason of inspection or reinspection of the buildings, structures, or equipment authorized herein or failure to inspect or reinspect such building structures or equipment by reason of the approval or disapproval of any electrical systems or equipment authorized herein.
- i. Rules and Regulations: The electrical inspector shall have authority as may be necessary in the interest of public safety, health and general welfare to promulgate rules and regulations, to interpret and implement the provisions of the electrical code, to secure the intent

thereof and to designate requirements applicable because of climatic or other conditions, but no such rules shall have the effect of waiving any electrical safety requirements specifically provided in the electrical code, or violating accepted engineering practice involving public safety.

- j. Permits Required: Permits are required for the various uses and activities as provided in this code. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the electrical inspector.
- k. Application for Permits: Application for a permit required by this code shall be made to the electrical inspector in such form and detail as he shall prescribe. Applications for permits shall be accompanied by plans or drawings as required by the electrical inspector for evaluation of the application.
- l. Action on Application: Before a permit is issued, the electrical inspector or his designated representatives shall make or cause to make such inspections or tests as are necessary to assure that the use and activities for which the application is made complies with the provisions of this code.
- m. Conditions of Permits: A permit shall constitute permission to maintain, store, or handle materials, or to

conduct processes or to install equipment used in connection with such activities in accordance with the provisions of this code. Such permission shall not be construed as authority to violate, cancel, or set aside the provisions of this code. Said permit shall remain in effect until revoked, or for such period of time specified in the permit. Permits are not transferable and any change of use, operation, or tenancy shall require a new permit.

- n. Approved Plans: Approved plans by the electrical inspector are approved with the intent that they comply in all respects to this code. Any omissions or errors in the plans do not relieve that applicant of complying with all applicable requirements of this code.
- o. Revocation of Permit: The electrical inspector may revoke a permit or approval issued under the provisions of this code if, upon inspection, any violation of the code exists, or if conditions of the permit have been violated, or if there has been any false statement or misrepresentation as to the material facts in the application, data, or plans in which the permit or approval was based.
- p. Payment of Fees: An electrical permit shall not be issued until the Township shall by resolution set the fee.

Article 90-9 is hereby inserted to read as follows:

Appeals from Decision of Electrical Inspector: Any party in interest may appeal from the decision of the electrical inspector by notifying the Secretary of the Board of Township Supervisors, in writing, of his intention to appeal. Such notice of intention shall be filed with the Secretary of the Board of Supervisors within thirty (30) days of the date of the decision appealed from. The Board of Supervisors shall promptly set a hearing date at which the public may be heard. The Township Supervisors shall either affirm, reverse, or modify the decision of the electrical inspector. The decision of the Board of Supervisors shall be final.

Article 90-10 is inserted to read as follows:

- a. Enforcement: Whenever the electrical inspector or his designated representatives shall find in any structure or upon any premises dangerous or hazardous conditions in the installation, maintenance or condition of an electrical system, he shall order such dangerous conditions, materials, or systems to be removed or remedied in accordance with the provisions of this code.
- b. Maintenance: The owner shall be responsible for the safe and proper maintenance of the building or structure's electrical systems at all times. In all new and existing buildings and structures, the electrical

systems required by this code and other jurisdictional ordinances shall be maintained in a safe and proper operating condition.

- c. Occupant Responsibility: If an occupant of a building or structure creates conditions in violation of this code, he can be held responsible for the abatement of such hazardous conditions.
- d. Notice of Violation: Whenever the electrical inspector observes an apparent or actual violation of a provision of this code or other code or ordinance under this jurisdiction, he shall prepare a written notice of violation describing the condition deemed unsafe and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure from electrical system defects. The written notice of violation of this code shall be served upon the owner, his duly authorized agent, or upon the occupant or other person responsible for the conditions under violation.
- e. Failure to Correct Violations: If the notice of violation is not complied with within the time specified by the electrical inspector, he shall request legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct, or abate such

violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto. The police department of the jurisdiction shall be requested by the electrical inspector to make arrests for any offense against this code or orders of the electrical inspector affecting the immediate safety of the public.

- f. Violations and Penalties: Any person, co-partnership or corporation violating any of the provisions of this ordinance or of the electrical code hereby adopted shall, upon summary proceedings brought in the name of the Township, be fined upon conviction in an amount not exceeding Three Hundred Dollars (\$300.00) and in default of the payment of such fine and costs of prosecution shall be imprisoned for not more than thirty (30) days. Each day that a violation continues shall be deemed a separate offense.

Article 90-11 is inserted to read as follows: Severability:
The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such decisions shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as the legislative intent that this ordinance would have

been adopted had such unconstitutional, illegal or invalid provisions not been included herein.

Article 90-12 shall be inserted to read as follows:

Interpretation: The provisions of this ordinance shall be held to be minimum requirements for the promotion of the health, safety, and welfare of the residents of the Township. When the provisions of this ordinance impose greater restrictions than those of any other ordinance, law or regulation of the Township, County or the Commonwealth, the provisions of this ordinance shall be controlling. Where the provisions of such other ordinances, laws or regulations impose a greater restriction than this ordinance, the provisions of such other ordinances, laws, or regulations shall be controlling.

ENACTED AND ORDAINED this 26th day of October, A.D. 1981.

HILLTOWN TOWNSHIP SUPERVISORS

Vincent Pischl
Vincent Pischl, Chairman

E.L. Wentz
Edward L. Wentz, Vice Chairman

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