

RESOLUTION NO. 171-2008

Date Adopted- 11/12/08

Date Published- 11/25/08

A RESOLUTION AMENDING CHAPTER 6, ARTICLE III OF THE SEDGWICK COUNTY CODE AND ADOPTING THE NFPA 70 NATIONAL ELECTRICAL CODE, 2008 EDITION, WITH CERTAIN PROVISIONS DECLARED TO BE OMITTED, CHANGED OR ADDED TO; PROVIDING FOR PENALTIES AND PROSECUTIONS FOR VIOLATIONS THEREOF; REGULATING AND CONTROLLING THE INSTALLATION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, REMOVAL, MAINTAINENCE, AND USE OF ELECTRICAL SYSTEMS, CONDUCTORS AND EQUIPMENT WITHIN OR ON PRIVATE OR PUBLIC BUILDINGS OR OTHER STRUCTURES AND OTHER PREMISES THAT CONNECT TO THE SUPPLY OF ELECTRICITY; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; ESTABLISHING THE BOARD OF ELECTRICAL EXAMINERS AND APPEALS; ESTABLISHING FOR ELECTRICAL CONTRACTORS, LICENSE REQUIREMENTS, AND PENALTIES FOR VIOLATIONS THEREOF; AND ESTABLISHING FOR MASTER AND JOURNEYMAN ELECTRICIAN AND RESIDENTIAL WIREMAN CERTIFICATES, THE REQUIREMENTS AND EXCEPTIONS THERETO, AND FOR THE PROCESS OF SUSPENSION OR REVOCATION THEREOF; CREATING THE OFFICE OF ELECTRICAL INSPECTOR; ESTABLISHING TRUTH IN ADVERTISING REQUIREMENTS; AND REPEALING SEDGWICK COUNTY RESOLUTION NO. 26-00 AND ALL OTHER RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH.

WHEREAS, the Board of County Commissioners of Sedgwick County, did on the 26th day of September, 2006, adopt resolution No. 134-06, incorporating by reference the NFPA 70 National Electrical Code, 2005 Edition; and

WHEREAS, the Board of County Commissioners find that it has been advised by the present Board of Electrical Examiners, and thereupon deems it necessary to adopt the **NFPA 70 National Electrical Code, 2008 Edition**, including Annexes C (Conduit and Tubing Fill Tables) and G (Administration and Enforcement), with certain provisions declared to be omitted, changed, or added to; and providing for penalties and prosecutions for violations thereof; and regulating and controlling the installation, construction, enlargement, alteration, repair, removal, maintenance, and use of electrical systems, conductors and equipment; within or on private or public buildings or other structures and other premises, that connect to the supply of electricity; providing for the issuance of permits and fees therefor; establishing the Board of Electrical Examiners and Appeals; establishing for electrical contractors, license requirements and penalties for violation thereof; and establishing for master and journeyman electrician and residential wireman certificates, the requirements and exceptions thereto and for the process of suspension and revocation thereof; creating the office of Electrical Inspector; establishing truth in advertising requirements; repealing Sedgwick County Resolution No. 26-00 and all other resolutions in conflict herewith.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

Chapter 6, Article III, of the Sedgwick County Code is hereby amended by the adoption of the NFPA 70 National Electrical Code, 2008 Edition, with certain amendments, changes, additions, and deletions thereto as set forth hereafter, as a standard code of Sedgwick County. The NFPA 70 National Electrical Code, 2005 Edition is hereby repealed.

SECTION 1: AMENDMENTS TO CHAPTER 6, ARTICLE III. Article III of Chapter 6 of the Sedgwick County Code is hereby amended in its entirety, and shall read as follows:

Sec. 6-71. Adoption of the NFPA 70 National Electrical Code (NEC), 2008 Edition, as amended.

The NFPA 70 National Electrical Code, 2008 Edition, as published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02169, as amended herein, including Annexes C (Conduit and Tubing Fill Tables) and G (Administration and Enforcement), is hereby adopted and incorporated herein by reference, as if fully set out in this section, subject to such amendments thereto as are set forth in Section 6-72 of the Sedgwick County Code, and shall be referred to herein as the "standard code." The standard code shall include all appendices and codified supplements to the NFPA 70 National Electrical Code, 2008 Edition. The standard code is hereby adopted as the electrical code for the unincorporated area of Sedgwick County, Kansas, and for those second-class and third-class cities located therein which have by action of their governing bodies adopted the standard code in the same form as herein contained and which have entered into a separate agreement with the county for enforcement within their municipal boundaries, and conferring jurisdiction upon the county for all prosecutorial function relating thereto.

Sec. 6-72. Amendments to the NFPA 70 National Electrical Code (NEC), 2008 Edition.

Changes, additions, and deletions to the standard code and the appendices thereto are adopted only as set forth hereinafter:

Sec. 80.2 Definitions, is amended by the addition of the term "Building Official":

Building Official. The official or other designated authority charged with the administration and enforcement of the standard code, and that official's designee(s), is the authority having jurisdiction for the standard code. The terms "building official," "code official," "authority having jurisdiction," and "department director of the department of code enforcement," are synonymous. The building official, code official, and any code enforcement officer (as code enforcement officer is defined in K.S.A. 19-101d(b)(2)), shall have the power to sign, issue and execute uniform complaints and notices to appear as set out by K.S.A. 19-101d.

Sec. 80.11(B) Existing Buildings, is amended by the addition of the following subsection (3):

- (3) When interior wall coverings are removed down to the framing members, such walls shall be brought up to current code.

Sec. 80.15 Electrical Board.

(A) Board of Electrical Examiners and Appeals Created. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the standard code and to determine the suitability of alternate materials and types of construction, there shall be and is hereby created a Board of Electrical Examiners and Appeals by the Board of County Commissioners.

(B) Membership; qualifications. The Board of Electrical Examiners and Appeals shall consist of five members who are qualified by experience and training to pass upon matters pertaining to electrical design, construction and maintenance of electrical systems and who are not employees of Sedgwick County, who shall be appointed by the Board of County Commissioners.. The membership of the Board shall as nearly as possible be represented as follows: Two persons shall each hold a current master electrician certificate, two persons shall each hold a current journeyman electrician certificate, and one person shall be a professional electrical engineer.

(C) Ex-officio Member. The building official shall be an ex-officio member of the Board and provide technical information to the Board. The building official shall act as secretary of the Board, but the building official shall not have a vote upon any matter before the Board.

(D) Legal Counsel. The County Counselor shall provide legal counsel for the Board.

(E) Terms. Each member shall be appointed to serve a term of three (3) years. The members of the Board of Electrical Examiners and Appeals presently holding appointments shall continue as members of the Board for the term of their appointment and until their successors have been appointed, qualified, and sworn to the oath of office before the Sedgwick County Clerk.

(F) Duties:

(1) The Board shall oversee licensing of electrical contractors and the testing and certification of master and journeyman electricians.

(2) The Board may make an annual review of the electrical code and shall recommend to the Board of County Commissioners such changes in the standard code as are necessary to be consistent with modern methods of construction.

(3) The Board shall adopt reasonable rules and regulations for conducting its business and shall render all findings and decisions in writing to the building official with a duplicate copy to the applicant or appellant.

(G) Appeals.

(1) Any order(s) of the Board of Electrical Examiners and Appeals made as a result of a hearing under this subsection may be appealed to the District Court of the Eighteenth Judicial District.

(2) Any applicant or appellant desiring to use alternate materials or types of construction shall guarantee payment of all expenses for any tests deemed necessary by the board.

(H) Limitations of Authority. The Board shall not be empowered to waive any requirements of the standard code.

(I) Quorum. A quorum of the Board shall be required to conduct official business. A quorum shall consist of three (3) members of the Board.

(J) Bylaws, Rules and Procedures. The Board may, by majority vote, adopt bylaws, rules and procedures for the conduct of its meetings and business. Such bylaws, rules and procedures shall not be in conflict with law.

Sec. 80.19 Permits and Approvals. Permits and approvals shall conform to 80.19(A) through (H).

(A) Application. Activity authorized by a permit issued under this Code shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this Code applicable thereto and in accordance with the approved plans and specifications. No permit issued under this Code shall be interpreted to justify a violation of any provision of this Code or any other applicable law or regulation. The permit applicant shall be responsible for satisfying all requirements of applicable county codes and resolutions. Any addition or alteration of approved plans or specifications shall be approved in advance by the building official, as evidenced by the issuance of a new or amended permit.

(B) Content. Permits shall be issued by the building official and shall bear the name and signature of the authority having jurisdiction or that of the building official's designated representative. In addition, the permit shall indicate the following:

- (1) Operation or activities for which the permit is issued;
- (2) Address or location where the operation or activity is to be conducted;
- (3) Name and address of the permittee;
- (4) Permit number and date of issuance;
- (5) Period of validity of the permit; and
- (6) Inspection requirements.

(C) Issuance of Permits. The building official shall be authorized to establish and issue permits, certificates, notices and approvals, or orders pertaining to electrical safety hazards pursuant to 80.23.

(1) **Work exempt from permit.** The following work shall be exempt from the requirement for a permit:

- (a) Listed cord and plug connected temporary decorative lighting;
- (b) Reinstallation of attachment plug receptacles, but not the outlets therefor;
- (c) Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location;
- (d) Temporary wiring for experimental purposes in suitable experimental laboratories; and
- (e) Electrical wiring devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

(2) **Expiration.** Every permit issued by the building official shall expire 180 days following the date it is issued.

(3) **Extensions.** Following a request by the permit holder, the building official is authorized to grant, in writing, one or more extensions of a permit of not more than 180 days each.

(4) **Effect of Permit.** The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications or from preventing electrical construction being carried on thereunder when in violation of the standard code or of this article or of any other article from revoking any certificate of approval when issued in error.

(D) Permit fees.

(1) **Payment of fees.** A permit shall not be valid until the fees prescribed by law hereunder have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(2) **Schedule of permit fees.** The fee for each permit shall be as set forth in Table No. 80.19(D) (2), and shall accompany each application made for such a permit.

(3) **Work commencing before permit issuance.** Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for

such work. An investigation fee, in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any other penalty prescribed by law.

(4) ***Related fees.*** The payment of the fee for the construction, alteration, removal or demolition for work done in accordance with or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(E) Inspection and Approvals.

(1) Upon the completion of any installation of electrical equipment that has been made under a permit, it shall be the duty of the person, firm, or corporation making the installation to notify the electrical inspector having jurisdiction, who shall inspect the work within a reasonable time.

(2) Where the electrical inspector finds the installation to be in conformity with all applicable local ordinances and all rules and regulations, the inspector shall issue to the person, firm, or corporation making the installation a certificate of approval, with duplicate copy for delivery to the owner, authorizing the connection to the supply of electricity and shall send written notice of such authorization to the supplier of electric services. When a certificate of temporary approval is issued authorizing the connection of an installation, such certificates shall be issued to expire at a time to be stated therein and shall be revocable by the electrical inspector for cause.

(3) When any portion of the electrical installation within the jurisdiction of an electrical inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the equipment shall notify the electrical inspector, and such equipment shall not be concealed until it has been approved by the electrical inspector. On large installations where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the electrical inspector due notice in advance, and inspections shall be made periodically during the progress of the work.

(F) Revocation of permits. Revocation of permits shall conform to the following:

(1) The building official shall be permitted to revoke a permit or approval issued if any violation of this code is found upon inspection or in case there have been any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.

(2) Any attempt to defraud or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by this code shall be a violation of this code. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates or permits issued by the building official. In addition, any such violation shall be subject to any other criminal or civil penalties as available by the laws of this jurisdiction.

(3) Revocation shall be constituted when the permittee is duly notified by the building official.

(4) Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefor has been suspended or revoked pursuant to the provisions of this code, and before such suspended permit has been reinstated or a new permit issued, shall be a violation of this code.

(5) A permit shall be predicated upon compliance with the requirements of this code and shall constitute written authority issued by the building official to install electrical equipment. Any permit issued under this code shall not take the place of any other license or permit required by other regulations or laws of this jurisdiction.

(6) The building official shall be permitted to require an inspection prior to the issuance of a permit.

(7) A permit issued under this code shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

Table 80.19(D) (2). Table 80-19(D) (2) of the standard code is hereby added as follows:

Table No. 80.19(D) (2) ELECTRICAL PERMIT FEES

The fee for each electrical permit shall be as set forth in Table 80.19(D) (2) and shall accompany each application made for such permit.

Exception: Installations for new one- and two-family dwellings shall not be required to obtain an individual electrical permit or to pay an electrical permit fee, since the applicable Building Permit and Fee which shall be issued and paid are inclusive of the electrical installation. Refer to Article II of Chapter 6 of the Sedgwick County Code for Building Permit requirements and the Table of Building Permit Fees for One- and Two-Family Dwelling Construction.

TABLE 80.19(D)

	TABLE 80.19(D)(2) SCHEDULED FEE CHARGES		EACH	
CIRCUITS	10- 1st, 2nd, 3rd, 4th, 5th		1.75	
	20- 6th to 20th Inclusive		.60	
	30- All Over 20		.30	
	40- Heating Appliances Less Than 4500 W		1.75	
SPECIAL CIRCUITS AND ADDITIONS	Range or Heat Device 4500 W or over	50- 1st, 2nd, 3rd, 4th	3.00	
		60- All Over 4	1.75	
	Clothes Dryer	70- 1st, 2nd, 3rd, 4th	3.00	
		80- All Over 4	1.75	
	90- Special Power Outlet or Feeder Circuit		3.00	
	110- Sign, Per Circuit		1.75	
	120- Outlets Added to Existing Circuits or Other Miscellaneous Wiring		.25	
FIXTURES	130- Light Fixtures or Lamping Devices		.25	
MOTORS AND AIR COND.	140- 1 Hp or Less		1.25	
	150- Over 1 Hp to 10 Hp, Inclusive		1.75	
	160- Over 10 Hp to 25 Hp, Inclusive		3.50	
	170- Over 25 Hp to 50 Hp, Inclusive		5.75	
	180 Over 50 Hp		12.00	
SERVICE: New Service Service Change	480 Volts or Less	Residential	190- Per Meter (100 Amps or Less)	2.25
			200- Each Additional Amp	.02
		Commercial	210- Per Meter (100 Amps or Less)	2.25
			220- Each Additional Amp	.02
	230- Over 480 Volts		Each Service Entrance	30.00
240- Construction Service			6.00	
250- Utility Service Inspection			6.00	

	260- Miscellaneous	6.00
	Permit Issuance Fee	25.00
	Reinspection Fee*, per hour	30.00
	Special Permit Fee** (2 × scheduled fee)	

* Reinspection Fee shall be a minimum of \$30.00.

** Any person who performs any electrical installation work for which a permit and inspection are required, and (a) fails to obtain a permit prior to performing the work, or (b) fails to report the same as ready for inspection within one business day of completing the work, shall pay a Special Permit Fee of twice the amount of the scheduled fee charges shown above for said permit.

Sec. 80.23 Violations, Enforcement, and Penalties.

(A) **Violations.** It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any electrical system or equipment, or cause or permit the same to be done in the unincorporated area of Sedgwick County, Kansas, in violation of the standard code; or to engage in any act contrary to or in violation of the provisions of the standard code.

(1) *Service of Notice of Violation(s).* Whenever the building official or any code enforcement officer authorized under this resolution has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the standard code, the building official or code enforcement officer may first cause a notice of violation(s) to be served upon such person, firm, or corporation responsible therefor. Such notice shall:

- (a) be in writing;
- (b) include a description of the real estate and /or street address sufficient for identification;
- (c) specify the violation(s) which exist(s) and the correction(s) ordered; and
- (d) allow a reasonable time for the performance of any act it requires.

(2) **Notice Properly Served.** Such notice shall be deemed to be properly served upon an alleged violator if a copy thereof is delivered to such alleged violator personally, or if a copy thereof is left at such alleged violator's place of abode or business with a person of suitable age and discretion who shall be informed of the contents thereof. Such notice shall also be deemed to be properly served upon the alleged violator if a copy thereof is sent by mail to such alleged violator's last known address, or, if the notice is returned showing it has not been delivered, notice shall be deemed to be properly served upon the alleged violator if a copy thereof is posted in a conspicuous place in, on, or about the building or structure affected by the notice.

(3) **Enforcement.** If any Notice of Violation(s) authorized herein is/are not complied with, the building official or code enforcement officer may request the County Counselor to institute an appropriate action or proceeding against the person, firm, or corporation responsible for the violation(s):

(a) to restrain, correct, or remove the violation or to compel such person, firm, or corporation to refrain from any further execution of work;

(b) to restrain or correct the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, demolition, equipping, use, or maintenance of such electrical system or equipment;

(c) to require the removal of work in violation; or

(d) to prevent the use of the electrical system or equipment or any part thereof, which is erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, or maintained in violation of the standard code or in violation of a plan or specification under which an approval, permit or certificate was issued.

In addition, or in the alternative, the building official or a code enforcement officer may proceed with the penalties provision contained below.

(B) Penalties.

(1) **Issuance of Uniform Complaint and Notice to Appear.** Whenever the building official or a code enforcement officer authorized under this resolution has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the standard code, the building official or such code enforcement officer may serve upon such accused person a uniform complaint and notice to appear, or in the alternative, may sign a complaint against the accused person and cause a notice to appear to be issued according to the provisions of K.S.A. 19-4701, et seq., the Code for the Enforcement of County Codes and Resolutions. Pursuant to K.S.A. 19-101d, prosecution for any such violation shall be conducted in the manner provided by law in the District Court under the Code for the Enforcement of County Codes and Resolutions as provided by K.S.A. 19-4701, et seq. Writs or processes necessary for the prosecution of such violations shall be substantially in the form of writs and process as shown in K.S.A. 19-4738. Sedgwick County shall provide all necessary supplies, forms and records at its own expense.

(2) **Procedures.** Procedures for prosecution of violations of the standard code, and this article, shall be pursuant to Chapter 8 of the Sedgwick County Code.

(3) **Classification of Violations and Schedule of Fines.** An accused person who shall be convicted in County Court for a violation of any provision of the standard code or this resolution shall be deemed guilty of a violation thereof and in accordance

with K.S.A. 19-4716, shall be subject to payment of a fine which shall be fixed by the Court at a sum not to exceed five-hundred dollars (\$500.00); provided further, the minimum fine for any violation of this resolution shall be assessed according to the Classification of Violations and Schedules of Fines pursuant to Resolution Nos. 189-1990 and 173-1990, as amended, and subject to the enhancements contained therein, and each and every violation of this resolution shall be a Class F violation, except that the following violations shall be classified as follows:

TABLE INSET:

Section	Violation	Classification
6-72	Fail to obtain required license, Sec. 80.36(A)	I
6-72	Fail to obtain required certificate, Sec. 80.36(B)	I
6-72	Violation of the Truth in Advertising laws, Sec. 80.37	I
6-72	Fail to obtain permit, Sec. 80.19	I

(4) **Separate Offense.** Each day that any violation of the standard code or this resolution occurs shall constitute a separate offense and shall be punishable as a separate violation. Provided, however, that if any person, firm or corporation is found guilty of a violation hereunder and it shall appear to the Court that the violation complained of as prescribed in this resolution is continuing, then in addition to the penalty as set forth, the Court shall enter such order(s) as it deems appropriate to cause the violation to be abated.

(5) **Authority to Permit.** The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or approval of, any violation of any of the provisions of the standard code or of this resolution. No permit presuming to give authority to violate or cancel the provisions thereof shall be valid, except insofar as the work or use which it authorized is lawful.

(6) **Effect of Permit.** The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications, or from preventing construction operations being carried on thereunder when in violation of the standard code or of this resolution or of any other resolution, or from revoking any certificate of approval when issued in error.

(7) **Appeals.** An appeal may be taken from any judgment under this resolution pursuant to the procedures at K.S.A. 19-4737, as amended.

Sec. 80.25 Connection to Electricity Supply. Connections to the electric supply shall conform to 80.25 (A) through (C).

(A) **Authorization.** It shall be unlawful for any person, firm, or corporation to make connections to a supply of electricity or to supply electricity to any electric equipment installation for which a permit is required or that has been disconnected or ordered to be disconnected.

(B) **Special consideration.** By special permission of the building official, temporary power shall be permitted to be supplied to the premises for specific needs of the construction project. The Board shall determine what needs are permitted under this provision.

(C) **Disconnection.** Where a connection is made to an installation that has not been inspected, as outlined in the preceding paragraphs of this section, the supplier of electricity shall immediately report such connection to the building official. If, upon subsequent inspection, it is found that the installation is not in conformity with the provisions of Article 80, the building official shall notify the person, firm, or corporation making the installation to rectify the defects and, if such work is not completed within fifteen (15) business days or a longer period as may be specified by the Board, the Board shall have the authority to cause the disconnection of that portion for the installation that is not in conformity.

Sec. 80.27 Inspector's Qualifications.

(A) **Electrical Inspector: Qualifications; Appointment.** There is hereby created the position of electrical inspector. More than one electrical inspector may be appointed at the discretion of the building official. Electrical inspector(s) shall be appointed by the building official. Person(s) chosen to fill the position(s) of electrical inspector(s) shall be possessed of such executive ability as is requisite for the performance of assigned duties, have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment, be well-versed in approved methods of construction for safety to persons and property, the statutes of the State of Kansas relating to electrical work and any orders, rules, and regulations issued by authority thereof, and the standard code, have at least five (5) years experience as a certified master and/or journeyman electrician in the installation of electrical equipment, and hold a current master electrician's certificate, or, in lieu of such experience and certification, shall hold a current and valid electrical inspector certificate issued by the International Conference of Building Officials and have two (2) years experience in electrical installation.

(B) Any person who is in the employ of the County and who holds a current and valid combination inspector certificate or an electrical inspector certificate issued by the International Conference of Building Officials shall also be qualified as an electrical inspector for the inspection of installations in one- and/or two-family dwelling units.

(C) **Recertification.** Electrical inspectors shall be recertified as established by provisions of the applicable certification program.

(D) **Revocation and Suspension of Authority.** The Board shall have the authority to revoke an inspector's authority to conduct inspections within a jurisdiction.

Sec. 80.33 Repeal of Conflicting Act, is hereby deleted in its entirety.

Sec. 80.35 Effective Date, is hereby deleted in its entirety.

Sec. 80.36 Licenses and Certificates required; penalties for violation; suspension; revocation.

There are hereby established requirements for licensure of electrical contractors; there are also hereby established requirements for certification of master and journeyman electricians.

(A) **Electrical Contractor.** It shall be unlawful for any person, firm, corporation, or other entity, to engage in the business of contracting to perform, provide, broker or sub-contract for electrical construction without first having secured the appropriate license as set forth herein.

EXCEPTION: No contractor license is required of a person, firm, corporation or governmental entity not engaged in the business of electrical construction who has in its regular and permanent employ a currently certified master electrician who performs electrical construction only for such employer and only on existing buildings and/or on existing premises that are owned, leased, operated or managed by the employer. Electrical construction by said employee upon new buildings and new additions to existing buildings is prohibited. The person, firm, corporation or governmental entity for which such electrical construction is permitted by this exception shall be required to obtain all permits and inspections otherwise required by the standard code.

(1) **To Obtain a License.** To obtain an electrical contractor license, a person, firm, corporation, or other entity, shall:

(a) File a completed application with the Board of Electrical Examiners and Appeals on forms provided by the Department of Code Enforcement.

(b) Pay an application fee of \$25.00

(c) Submit proof of a satisfactory score on one of the following standard examinations to determine the qualification of persons seeking licensure, received by the person signing the master responsibility form:

(i) Score at least 75% on the "Block Test" for a master electrician certificate, now administered by Prometric, 1260 Energy Lane, St. Paul, Minnesota 55108; or

- (ii) Score at least 75% on the International Code Council test for a master electrician certificate, administered by International Code Council, 900 Montclair Road, Birmingham, Alabama 35213; or
 - (iii) A satisfactory score on any other standard examination to determine the qualification of a master electrician that is approved and adopted by the State of Kansas following the effective date of this code.
 - (iv) Before sitting for the standard examinations identified above, an applicant shall demonstrate documented proof of having a valid journeyman certificate for a minimum of two years.
 - (v) Those persons who were licensed as of December 31, 1991, as required by this article, and whose license has not subsequently lapsed or been suspended or revoked, shall not be required to pass any such examination. Applicants who show satisfactory evidence to the building official or to the board of electrical examiners and appeals of experience commensurate to that required by this article may thereupon be issued a license limited to one particular project.
- (d) Pay the appropriate biennial license fee as provided below in Section 80.36(A) (2).
- (e) Submit proof of insurance as follows:
- (i) Worker's Compensation Insurance for all employees to be engaged in work on any site regulated by the standard code.
 - (ii) Comprehensive General Liability Insurance in an amount not less than three-hundred-thousand dollars (\$300,000) each occurrence and aggregate for bodily injury and property damage combined.
 - (iii) Automobile Liability Insurance in an amount not less than required per K.S.A. 40-3107. Said coverage shall cover all owned, non-owned or hired vehicles of the contractor.
- (f) Agree to obtain all required permits.
- (g) Submit a signed master responsibility form. The person signing the master responsibility form shall:
- (i) Have a valid and current master electrician certificate;

(ii) Be an owner or full time employee of the firm or corporation which is so licensed.

(iii) Agree to obtain all required permits.

(h) At all times have at least one owner or full time employee holding a valid and current master electrician certificate, except in the case of a mobile home serviceman electrical contractor license. Failure to comply with this subsection will result in a citation being issued to the person who signed the master responsibility form. In addition, no further permits will be issued to the licensee until the licensee demonstrates compliance with this subsection.

(i) Have a certified master or journeyman electrician at the job site at all times any employee of the licensee who is not a certified master or journeyman electrician is located at a job site. Failure to do so will result in a citation being issued to the master who is responsible for the company, and is a class I violation.

(j) Comply with the truth in advertising requirements of Section 80.37, et seq. Failure to do so will result in citations being issued to the violator and the master who is responsible for the company.

(k) Agree to obtain not less than 12 hours biennially of continuing education, in accordance with K.S.A. 2006 Supp. 12-1526, as amended. Such continuing education shall be approved by the Director of Code Enforcement, and may be provided by the Department of Code Enforcement, a nationally recognized trade organization, community college, technical school or technical college. All 12 hours of such continuing education may consist of code update training on the standard code. The first biennial period for this continuing education requirement shall begin January 1, 2007.

(2) ***Biennial License Fee.***

(a) Electrical contractor licenses shall be sold in two (2) year county-wide increments, and are valid for two (2) years, and are therefore referred to as "biennial" licenses. Licenses in effect at the time of the adoption of this section that expire on December 31, 2008, shall be renewed for a one-year period, expiring on December 31, 2009. The first biennial license period shall begin thereafter on January 1, 2010.

(b) A license is renewable up to March 1st after expiration of any license period. The license fee for the year 2009 is \$100.00. The biennial license fee for the period beginning January 1, 2010, and biennially thereafter, is \$200.00.

(c) The license fee charged to new applicants will be prorated, based on the current year of the two-year cycle. License fees are subject to change with the

Sedgwick County Board of County Commissioners' approval, and the official current license fee schedule shall be maintained by the building official.

(3) ***Renewal of License.*** To renew an electrical contractor license, the licensee shall file a new application, pay the required biennial license fee, and provide proof that the licensee has completed not less than 12 hours biennially of continuing education. The first biennial period for this continuing education requirement shall begin January 1, 2007.

(4) ***Violations of Electrical License Requirements; Hearing; Penalties.***

(a) At the request of the building official, a hearing before the Board of Electrical Examiners and Appeals shall be held to determine whether there has been any violation of any of the licensing requirements contained herein, or if there is evidence of any of the factors set forth in Section 80.36(A) (4) (c).

(b) If any violation is found, the Board may order any or all of the following:

(i) No further electrical permits will be issued to the licensee until such time as the violation is abated.

(ii) All inspections of further work performed by the licensee will be suspended until such time as the violation is abated, excepting extreme hazard or life safety inspection.

(iii) A license review, subjecting the licensee to possible suspension or revocation of the electrical contractor license and/or the master electrical certificate, or any or all of them.

(c) Cause for suspension or revocation shall be any one or a combination of the following:

(i) The licensee demonstrates incompetence or lack of knowledge in matters relating to the certificate issued.

(ii) The licensee obtained the license by fraud or misrepresentation.

(iii) The licensee transferred, loaned or otherwise allowed another person to use said license for the other person's purpose.

(iv) The licensee used the license to obtain permits for another person, firm, or corporation.

(v) The licensee demonstrated carelessness or negligence in providing reasonable safety measures for the protection of the public.

(vi) The licensee refused to or failed to comply with any lawful and reasonable order(s) of the building official, electrical inspector, or other authorized representative of the Department of Code Enforcement.

(vii) The licensee committed an act in violation of any provision of the standard code or of any other resolution of Sedgwick County.

(d) If a contractor license is revoked as provided herein, the violating licensee shall be barred from obtaining another contractor license for a period of twelve (12) months from the date of the revocation order. Following a suspension or revocation period, a violating licensee who wishes to obtain a contractor's license shall follow the application procedure set forth in Section 80.36(A)(1), and shall be required to pass the examination described in Section 80.36(A)(1)(c).

(e) If the Board decides to suspend a licensee as provided herein, the period of suspension shall be for a length of time up to 180 days. In such event, the contractor's license shall automatically become activated upon the conclusion of any such suspension period, unless the Board has specifically required the licensee to petition the Board for reactivation.

(5) ***Lapse of License.*** A contractor license that has not been suspended or revoked, but for which the renewal fee has not been submitted on or before March 1st following the expiration of a biennial license period, shall be deemed to have lapsed. Renewal of a lapsed license shall be allowed upon the person's request, filing of a completed application, payment of an application fee, and compliance with the requirements of Section 80.36 (A) (1) (c).

(6) Only a licensed electrical contractor that is licensed in Sedgwick County may perform any of the following services in Sedgwick County:

(a) All work between main breaker of panel board and utility pole or transformer.

(b) Meter releases for temporary or permanent electric power shall be called to the Department of Code Enforcement by a licensed electrical contractor who is licensed in Sedgwick County.

(c) Move, alter, enlarge, install or change any electrical service, or break utility meter seal for access.

(7) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them:

(a) ***“Full-time employee”*** means an employee who works a minimum average of thirty-two (32) hours per week for a particular employer.

(b) “*Owner*” means a person who holds a minimum of 51 percent ownership in a particular company, firm, corporation, or other business entity.

(c) “*Job site*” means the address where electrical installation is being performed.

(B) Master and Journeyman Electrician Certificate and Residential Wireman Electrician Certificate Required. It shall be unlawful for any person to engage in the trade or otherwise perform the acts of electrical installation within or on any building or premises, without first having secured a master or journeyman electrician certificate, or residential wireman electrician certificate, respectively, as provided herein. Further, a residential wireman electrician certificate holder is only authorized to perform one-family and two-family dwelling electrical installation on any premises or building. It shall be unlawful for any person to perform any of the services listed in Section 80.36(A) (6) unless they are a licensed electrical contractor that is licensed in Sedgwick County.

(1) ***To Obtain a Certificate.*** A master or journeyman electrician certificate, or residential wireman electrician certificate shall be obtained as follows:

(a) File a completed application with the board of electrical examiners and appeals on forms provided by the department of code enforcement identifying the classification of certificate sought.

(b) Pay the biennial certificate fee to the building official at the time the application for a certificate is made.

(c) Submit proof of a satisfactory score on one of the following standard examinations to determine the qualification of persons seeking a particular certificate:

(i) Score at least 75% on the "Block Test" for a master electrician certificate, now administered by Prometric, 1260 Energy Lane, St. Paul, Minnesota 55108; or

(ii) Score at least 75% on the International Code Council test for a master or journeyman electrical certificate, or residential wireman electrical certificate, administered by International Code Council, 900 Montclair Road, Birmingham, Alabama 35213; or

(iii) A satisfactory score on any other standard examination to determine the qualification of a master or journeyman electrician, or residential wireman that is approved and adopted by the State of Kansas following the effective date of this code.

(iv) Before sitting for the standard examinations identified above, an applicant for a journeyman or residential certificate shall demonstrate documented proof of a minimum of two years field experience. "Field experience" means working under the direct supervision of a person having a valid journeyman certificate, residential certificate or master certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of 240 hours classroom training.

(v) Before sitting for the standard examinations identified above, an applicant for a master certificate shall demonstrate documented proof of having a valid journeyman certificate for a minimum of two (2) years.

(vi) Those persons who were certified as of December 31, 1991, as required by this article, and whose certificate has not subsequently lapsed or been suspended or revoked, shall not be required to pass any such examination. Applicants who show satisfactory evidence to the building official or to the board of electrical examiners and appeals of experience commensurate to that required by this article may thereupon be issued a certificate limited to one particular project.

(d) Agree to obtain not less than 12 hours biennially of continuing education, in accordance with K.S.A. 2006 Supp. 12-1526, as amended. Such continuing education shall be approved by the Director of Code Enforcement, and may be provided by the Department of Code Enforcement, a nationally recognized trade organization, community college, technical school or technical college. All 12 hours of such continuing education may consist of code update training on the standard code. The first biennial period for this continuing education requirement shall begin January 1, 2007.

(2) ***Biennial Certificate Fee.***

(a) Master or journeyman electrician certificates, or residential wireman electrician certificates shall be sold in two (2) year county-wide increments, and are valid for two (2) years, and are therefore referred to as "biennial" certificates. Certificates in effect at the time of the adoption of this section that expire on December 31, 2008, shall be renewed for a one-year period, expiring on December 31, 2009. The first biennial certificate period shall begin thereafter on January 1, 2010.

(b) A certificate is renewable up to March 1st after expiration of any certificate period. The certificate fee for the year 2009 is \$10.00. The biennial license fee for the period beginning January 1, 2010, and biennially thereafter, is \$20.00.

(c) The certificate fee charged to new applicants will be prorated, based on the current year of the two-year cycle. Certificate fees are subject to change with the Sedgwick County Board of County Commissioners' approval, and the official current certificate fee schedule shall be maintained by the building official.

(3) ***Renewal of Certificate.*** To renew a master or journeyman electrician certificate, or residential wireman electrician certificate, the certificate holder shall make application for a new certificate, pay the required biennial certificate fee, and provide proof that the certificate holder has completed not less than 12 hours biennially of continuing education. The first biennial period for this continuing education requirement shall begin January 1, 2007.

(4) ***Violations of Master and Journeyman Electrician Certificate, and Residential Wireman Electrician Certificate Requirements, Hearing, Penalties.***

(a) At the request of the building official, a hearing before the board of electrical examiners and appeals shall be held to determine whether there has been any violation of any of the master or journeyman electrician certificate, or residential wireman electrician certificate requirements contained herein and whether the master or journeyman electrician certificate, or residential wireman electrician certificate should be suspended or revoked. Cause for suspension or revocation shall be any one or a combination of the following:

(i) The certificate holder demonstrates incompetence or lack of knowledge in matters relating to the certificate issued.

(ii) The certificate holder obtained the certificate by fraud or misrepresentation.

(iii) The certificate holder transferred, loaned or otherwise allowed another person to use said certificate for the other person's purpose.

(iv) The certificate holder used the certificate to obtain permits for another person, firm, or corporation.

(v) The certificate holder demonstrated carelessness or negligence in providing reasonable safety measures for the protection of the public.

(vi) The certificate holder refused to or failed to comply with any lawful and reasonable order(s) of the building official, electrical inspector, or other authorized representative of the Department of Code Enforcement.

(vii) The certificate holder committed an act in violation of any provision of the standard code or of any other resolution of Sedgwick County.

(b) Certificates revoked shall cause the holder thereof to be barred from obtaining a certificate for a period of twelve (12) months from the date of the revocation order. Following a suspension or revocation period, a certificate holder who wishes to obtain a new certificate shall follow the procedure set forth in Section 80.36(B) (1).

(5) ***Lapse of Certificate.*** A certificate that has not been suspended or revoked, but for which the request for renewal and the renewal fee have not been submitted on or before March 1 of the renewal year shall be deemed to have lapsed. Renewal of a lapsed certificate shall be allowed upon the certificate holder's request, making application for a new certificate, paying the required certificate fee, and passing a written examination for the appropriate certificate.

(6) ***Exceptions to Requirement of Master or Journeyman Electrician Certificate, or Residential Wireman Electrician Certificate.***

(a) Persons not holding a Master, Journeyman, or Residential Wireman Electrician Certificate, shall be permitted to perform the acts of electrical installation only under the continuous supervision of a certified master or journeyman electrician who is physically located at the job site where electrical installation is being performed.

(b) Owners of one-family dwellings being built for their residence or who reside in the residence where the work is taking place shall be permitted to work on the electrical construction, but not the installation of service panels and meter enclosures which shall only be done by a licensed electrical contractor, in that residence and/or out-buildings thereof, provided all other requirements of the standard code are met. Homeowners who wish to wire their new residence may do so once every three years if the following are complied with:

- (i) Pass test administered by Code Enforcement.
- (ii) Pass test with score of 75% or more correct.
- (iii) Do work that meets or exceeds current code.
- (iv) Do work from panel board load side only.
- (v) Score of less than 75% may retake test after waiting 60 days.
- (vi) Test fee is fifty dollars (\$50.00) per test.

No individual may perform electrical construction in more than one residence in any three-year period beginning with the date the self-help examination is

passed. Special cases are subject to appeal to the board of electrical examiners and appeals.

Homeowners are reminded that only electrical contractors licensed in Sedgwick County are authorized to perform the following electrical services: work between main breaker of panel board and utility pole or transformer; release meters for temporary or permanent electric power; move, alter, enlarge, install or change any electrical service; or break utility meter seal for access. Homeowners are reminded tampering with the utility meter equipment is a violation and persons may be charged accordingly.

Sec. 80.37 Truth in Advertising.

(A) ***Applicability.*** On or after July 1, 1993, any person, firm or corporation required by this resolution to obtain an electrical contractor license, shall be subject to this section.

(B) ***Definition.*** For the purposes of this section, advertising or advertisement means the inclusion of any business card, announcement, contract bid proposal, or other written or broadcast statement, including telephone directory display advertisements, but shall not include any white or yellow page listings in telephone directories.

(C) ***Violations.*** It shall be a violation for any person, firm, corporation, or other entity that does not hold a valid electrical contractor's license in good standing, to advertise or maintain any advertising or advertisement that:

- (1) Advertises as an electrical contractor, master electrician, or journeyman electrician;
- (2) Appends the person's, firm's, corporation's, or other entity's name to, or in connection with, the title "electrical contractor," "master electrician," "journeyman electrician," "electrician", or;
- (3) Appends the person's, firm's, corporation's, or other entity's name to any other words that tend to represent the person as an electrical contractor, master electrician, journeyman electrician, or electrician.

AMENDMENTS TO THE 2008 NEC.

Definitions, is hereby adopted and shall read as follows:

Clothes Closet. A non-habitable room or space intended primarily for storage of garments and apparel, which shall contain a rod and a shelf.

Kitchen. An area with a sink and permanent facilities for food preparation and cooking. Cooking facilities shall be fixed in place.

Sec. 110.16 Flash Protection, is deleted in its entirety.

Sec. 200.6 (D) Grounded Conductors of Different Sizes, is deleted in its entirety.

Sec. 210.4 (B) Disconnecting Means, is deleted in its entirety.

Sec. 210.4 (D) Grouping, is deleted in its entirety.

Sec. 210.5 (C) Ungrounded Conductors, is deleted in its entirety.

Sec 210.8 (A) (5), Exception (5) (2), is hereby adopted and shall read as follows:

Exception (5) (2). Sewage Ejector Pumps and Sump Pumps. In a dwelling, ground fault circuit interrupter protection shall not be required on a sewage ejector pump or sump pump that is cord and plug connected and installed on a dedicated circuit run to a single receptacle.

Sec. 210.8(A) Dwelling Units, is hereby adopted and shall read as follows:

(9) Within six feet of the edge of any sink.

Sec. 210.52(C) (1) Wall Counter Spaces, is hereby adopted and shall read as follows:

Exception: Receptacle outlets shall not be required on a wall directly behind a range or sink.

Figure 210.52 (C) (1), is deleted in its entirety.

Sec. 210.52 (D) Bathrooms, is hereby adopted and shall read as follows:

(D) Bathrooms, In dwelling units, at least one wall receptacle outlet shall be installed in bathrooms within 36 inches (914 mm) of the outside edge of each basin. The receptacle outlet shall be located on a wall that is adjacent to the basin location. In other than dwelling units, a minimum of one wall receptacle outlet shall be installed in bathrooms and located within 36 inches (914 mm) of the outside edge of one basin. (Basin means the same as lavatory.)

Receptacle outlets shall not be installed in a face-up position in the work surfaces or countertops in a bathroom basin location.

Sec. 210.70 Lighting Outlets Required, is amended by adding the following new section to read as follows:

Sec. 210.70 (A) (4):

(4) Unfinished Basements. Each storage area and all future habitable rooms that are in the framed-in stage shall have a lighting outlet with a wall mounted switch for each area or room. Lighting outlets containing a switch shall be controlled by a wall switch.

Sec. 215.12(C) Identification for Feeders, is deleted in its entirety.

Sec. 230.40, is amended and shall read as follows:

Sec230.40 Number of Service-Entrance Conductor Sets, is amended and shall read as follows:

Each building shall be supplied by only one (1) service drop or lateral. Each service drop or lateral shall supply only one (1) set (or sets where connected in parallel) of service-entrance conductors. All service-entrance conductors shall terminate at the same location.

Exception # 1: Where two to six service disconnecting means in separate enclosures are grouped at one location, one set of service-entrance conductors shall be permitted to supply each such service equipment enclosure.

Exception # 2: A two-family dwelling unit without an approved area separation wall as defined by the current adopted Sedgwick County Building Code, and served from one service drop or lateral, shall be permitted to have one set of service-entrance conductors run to each dwelling unit without the mains from both units located together.

Sec. 230.70 (A) (1) Readily Accessible Location is hereby amended and shall read as follows:

(1) Readily Accessible Location. The service disconnecting means shall be installed either inside or outside of a building or other structure at a readily accessible location. Except by special permission prior to the installation, unfused service entrance conductors shall not be extended more than 15 feet inside any building.

Sec.300.11 (A) (2) Ceiling Grid Support Wires, is hereby amended and shall read as follows:

Exception# 2. MC cable or flexible metal conduit may be attached to the ceiling grid support wires serving lighting fixtures located within the ceiling grid area where all of the following conditions apply:

The MC cable or flexible metal conduit must not be larger than trade size one-half (1/2) inch.

(1) Only a single MC cable or flexible metal conduit may attach per ceiling grid wire.

(2) Only clips or devices approved for the purpose may be used to attach the MC cable or flexible metal conduit to the support wires.

Sec. 310.2(B) Conductor Material, is hereby amended and shall read as follows:

(B) Conductor Material. Conductors in this article shall be of aluminum, copper-clad aluminum, or copper unless otherwise specified. All 15 and 20 ampere branch circuits shall have copper conductors.

Table 310.15(B) (6) is amended as follows:

<p align="center">Table 310.15(B) (6) Conductor Types and Sizes for 120/240-Volt, 3-Wire, Single-Phase Dwelling Services and Feeders. Conductor (AWG or kcmil)</p>		
Copper	Aluminum or Copper-Clad Aluminum	Service or Feeder Rating (Amperes)
4	2	100
3	1	110
2	1/0	125
1	2/0	150
1/0	3/0	175
2/0	4/0	200
3/0	250	225
4/0	300	250
250	350	300
350	500	350
400	600	400

Includes all accessory structures to one- and two-family dwellings which are Types III, IV and V construction. See 334.10 FPN No. 1.

Sec. 314.27 Outlet Boxes, is amended by adding the following new section 314.27(E) and shall read as follows:

(E) In Attics. Pull, junction, switch, and receptacle boxes located in attics, above hard finished ceilings, shall be located a minimum of thirty (30) inches above attic walking surfaces except when accessible from the finished side.

Sec. 314.28 Pull and Junction Boxes and Conduit Bodies, is hereby amended and shall read as follows:

Conduit Bodies. Boxes and conduit bodies trade size over two (2) inch used as pull or junction boxes shall comply with Sec. 314.28 (A) through (D).

Sec. 334.10 Uses Permitted, is hereby amended and shall read as follows:

Uses Permitted. Type NM, Type NMC and Type NMS cable shall be permitted to be used in one- and two-family dwellings, multi-family apartment dwellings not exceeding three floors above grade and accessory structures to the same if of Types III, IV and V construction. These structures shall be served only by single-phase services.

Sec. 334.12 Uses Not Permitted, is hereby amended and shall read as follows:

(A) (1) **Exception**, shall be deleted in its entirety.

Sec. 334.40 (B) Unsupported Cables, shall be deleted in its entirety.

Sec. 334.80 Ampacity, shall be deleted in its entirety.

Sec. 406.4 (E), is hereby amended and shall read as follows:

(E) **Receptacles in Countertops and Similar Work Surfaces.** Receptacles shall not be installed in a face-up position in countertops or similar work surfaces.

Sec. 406.8 (B) Wet Locations, is hereby amended and shall read as follows:

(B) **Wet Locations.** All 15- and 20-ampere, 125- and 250-volt non-locking receptacles shall be listed weather-resistant type. All receptacles installed in a wet location shall comply with either of the following:

- (1) A receptacle installed in a wet location, where the product intended to be plugged into is not attended while in use, shall have an enclosure that is waterproof with the attachment plug cap inserted or removed.
- (2) A receptacle installed in a wet location where the product intended to be plugged into it will be attended while in use (e.g., portable tools) shall have an enclosure that is weatherproof when the attachment cord is removed.

Sec. 408.54 is hereby amended and shall read as follows:

Sec. 408.54 Maximum Number of Overcurrent Devices. A panelboard shall be provided with physical means to prevent the installation of more overcurrent devices than that number for which the panelboard was designed, rated, and listed.

For the purposes of this article, a two-pole circuit breaker or fusible switch shall be considered two overcurrent devices; a three-pole circuit breaker shall be considered three overcurrent devices.

At final inspection of all new construction (100 amps & larger), and all final inspections of panel changes, a minimum of two large or four small breaker spaces shall remain unused.

Exception: Services with only one circuit.

Sec. 590.6(B) (2) Assured Equipment Grounding Conductor Program, is deleted in its entirety

Sec. 600.3 Listing, is deleted in its entirety.

Sec. 680.8 Power, is hereby amended and shall read as follows:

The following parts of pools shall not be placed under existing electrical, communications, CATV, network powered Broadband conductors or any other overhead wiring; nor shall such wiring be installed above the following:

- (1) Pools and the area extending 10 ft. horizontally from the inside of the walls of the pool;
- (2) Diving structure; or
- (3) Observation stands, towers, or platforms.

Sec. 6-73. Copies on file; to be furnished.

Not less than one (1) copy of the standard code incorporated by reference in Section I shall be filed with the County Clerk. Said copies shall be marked or stamped "Official Copy as Incorporated by Resolution No. 171-2008," with all sections or portions thereof intended to be omitted clearly marked to show any such omissions. Said copies shall have attached a copy of this resolution and shall be open to inspection and available to the public at all reasonable business hours. Copies in numbers as needed shall also be furnished without charge by the Department of Code Enforcement of Sedgwick County to the courts and all administrative departments charged with enforcement of the standard code.

Sec. 6-74. Adoption of rules and regulations.

The building official shall have the authority to promulgate such rules and regulations as are necessary to carry out the purpose of the standard code and such rules and regulations shall be effective upon approval by the Board of County Commissioners of Sedgwick County, Kansas.

Secs. 6-75 to 6-100. Reserved.

SECTION 2: REPEAL OF FORMER RESOLUTIONS.

All prior resolutions or parts thereof in conflict herewith, including, but not limited to, Resolution Nos. 76-1975, 13-1976, 55-1976, 56-1976, 58-1976, 267-1976, 219-1979, 262-1982, 323-1989, 253-1992, 270-1996, 198-2003, and 134-2006 are hereby repealed.

SECTION 3: SAVING CLAUSE.

All rights and remedies of Sedgwick County and the property owners and residents thereof are expressly saved as to any and all violations of Chapter 6, Article III, of the Sedgwick County Code, Resolution Nos. 76-1975, 13-1976, 55-1976, 56-1976, 58-1976, 267-1976, 219-1979, 262-1982, 323-1989, 253-1992, 270-1996, 198-2003, and 134-2006 or any prior electrical resolutions, that have accrued at the time of the effective date of this resolution. The court shall have all the powers that existed prior to the effective date of this resolution as to all such accrued violations.

SECTION 4: SEVERABILITY CLAUSE.

Should any section, clause, or provision of this resolution be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this resolution as a whole, or any part so declared to be invalid.

SECTION 5: PUBLICATION AND EFFECTIVE DATE.

The Sedgwick County Clerk is directed to publish this resolution once in the official county newspaper. This resolution shall take effect upon its publication in the official county newspaper.

[Balance of page intentionally left blank]

Commissioners present and voting were:

DAVID M. UNRUH	__aye__
TIM R. NORTON	__aye__
THOMAS G. WINTERS	__aye__
KELLY PARKS	__aye__
GWEN WELSHIMER	__aye__

Dated this 12th day of November, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

_____/s/_____
DON BRACE, County Clerk

_____/s/_____
THOMAS G. WINTERS, Chairman
Commissioner, Third District

_____/s/_____
TIM R. NORTON, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:

_____/s/_____
BILL RAYMOND
Assistant County Counselor

_____/s/_____
DAVID M. UNRUH
Commissioner, First District

_____/s/_____
KELLY PARKS
Commissioner, Fourth District

_____/s/_____
GWEN WELSHIMER
Commissioner, Fifth District