

26-O-05

AN ORDINANCE

**Amending Title 4, Chapter 7 of the City Code, "Electrical Code",
by Deleting the Existing Text and
Adopting the 2005 National Electrical Code
by Reference with Certain Amendments**

WHEREAS, the City Council of the City of Evanston considers it in the public interest to adopt as its standard for construction, alteration, and installation of electrical work the *2005 National Electrical Code*; and

WHEREAS, the City has caused three (3) copies of the aforesaid Code to be kept on file in the office of the City Clerk for public inspection for a period of more than thirty (30) days prior to the adoption of this Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Title 4, Chapter 7 of the City Code of the City of Evanston, 1979, as amended, be and it hereby is further amended by deleting Chapter 7, "Electrical Code" in its entirety, and substituting therefor the following:

4-7-1: ADOPTION OF THE 2005 NATIONAL ELECTRICAL CODE:

(A) Pursuant to the authority granted by Chapter 65, Section 5/1-2-4 of the *Illinois Compiled Statutes* and pursuant to its home rule powers, the City of Evanston hereby adopts by reference, as criteria for the issuance of construction, reconstruction, alteration, or installation permits, the provisions of the *2005 National Electrical Code*.

(B) Any reference in said *2005 National Electrical Code* as to "administrative authority" or "Building Official" or "Code Official" shall mean the Assistant Director of Community Development, Building Division, of the City of Evanston or his or her designee.

4-7-2: APPLICATION OF REGULATIONS:

The regulations of said *2005 National Electrical Code* shall apply to all matters concerning the construction, reconstruction, alteration, or installation of all electrical wiring apparatus, fixtures, machinery, or devices, and their service equipment, and shall apply to all existing or proposed buildings and structures in the City.

4-7-3: AMENDMENTS AND EXCEPTIONS TO THE 2005 NATIONAL ELECTRICAL CODE:

(A) The following amendments to the *2005 National Electrical Code* adopted hereby are made:

Article 210-52 (E) Outdoor Outlets: Add the following:

For each dwelling unit of a multi-family dwelling where the dwelling is provided with a balcony, porch, deck or similar area, that area shall be served with at least one GFCI protected receptacle outlet not more than forty-eight inches (48") above the grade or decking.

Article 230 Services: Add the following:

The maximum number of branch circuits allowed for a 100-amp, 120/240 volt, single phase service is twenty-four (24). The maximum number of branch circuits allowed for a 200-amp, 120/240 volt, single phase service is forty (40).

Article 230 Services: Add the following:

No additional fuse or breaker boxes shall be installed without the prior written approval of the Building Official.

Article 250-91(a) Grounding Electrode Conductor: Delete and substitute therefor:

(a) **Grounding Electrode Conductor:** Copper wire shall be used for all ground conductors and water meter jumpers.

Article 334 Nonmetallic Sheathed Cable: Types NM, NMC, and NMS: Delete.

Article 338 Service Entrance Cable: Types SE and USE: Delete.

Article 362 Electrical Nonmetallic Tubing: Types ENT: Delete.

Article 422.25 Unit Switch(es) as Disconnecting Means: Delete and substitute therefor:

Unit Switch(es) as Disconnecting Means:

(A) Unit switches which are a part of an appliance shall not be considered as taking the place of the disconnecting means required by Part D (Control and Protection of Appliances) of this Article, unless there are other means for disconnection as follows:

(1) **Multi-family dwellings:** In multi-family (more than two) dwellings, the disconnecting means shall be within the apartment, or on the same floor as the apartment in which the appliance is installed, and may control lamps and other appliances.

(2) **Two-family dwellings:** In two-family dwellings, the disconnecting means may be outside the dwelling unit in which the appliance is installed. This unit permits an individual switch for the dwelling unit.

(3) **In Single-family dwellings:** In single-family dwellings, the service disconnecting means shall not be used.

(4) **Other occupancies:** In other occupancies, the branch-circuit switch or circuit breaker, where readily accessible to the user of the appliance, may be used for this purpose.

4-7-4: PERMIT FEES:

Fees for electrical constructions, reconstructions, alterations or installations as required by the *2005 National Electrical Code* adopted hereby, shall be those established from time to time by ordinance of the City Council. The fee for the installation of standby generators shall be the same as the fee for that size of service. All standby generators shall be inspected and operated every six (6) months in the presence of a City electrical inspector. The fee for this inspection shall be the minimum permit fee.

4-7-5: PERMITS, INVALIDITY: Any permit issued by the Assistant Director of Community Development shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, or not commenced within six (6) months after the issuance of any permit. (Ord. 44-O-75, amd., and Ord. 109-O-96).

4-7-6: APPEALS: This section shall be deleted in its entirety from the *2005 National Electrical Code*, adopted hereby, and these Sections substituted therefor:

4-7-6-1: Application for appeal: Any person ("the Petitioner") affected by a decision of the Code Official or a notice, or order issued under this Code shall

have the right to appeal to the City's Property Services Board, Title 4, Chapter 18 of the City Code, provided that a written application for appeal is filed within fifteen (15) days after the day of the decision, notice, or order was served. For purposes of this Section, a decision, notice, or order is "served" upon delivery, in the case of personal delivery, and, in the case of mailing, five (5) days after deposit in the U.S. Mail with first-class postage prepaid. The Code Official shall transmit the appeal to the Property Services Board within three (3) business days of its filing. A person is "affected" for the purposes of an appeal pursuant to this Section when the person has a material or definitive interest in the decision, notice, or order of the Code Official. An application for appeal shall be based on a claim that the true intent of this Code, or the rules legally adopted thereunder, have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.

The application for appeal must be in writing and include a statement of the proposal, together with any and all documentation which would aid the Board in its deliberations.

4-7-6-2: Appeal Form: The appeal shall be filed at the Permit Desk of the Community Development Department on a form ("the Appeal Form") provided for that purpose by the Code Official and made available to the public.

4-7-6-3: Notice of Property Services Board Meeting: The Property Services Board shall convene upon notice of the Chair, within fifteen (15) days of the filing of an appeal. The Building Official shall give written notice of the meeting date, time, and location in the Civic Center to the Petitioner.

4-7-6-4: Hearing Procedure: Hearings shall be conducted in accordance with written procedures on file with the Permit Desk in the Community Development Department.

4-7-6-5: Hearing Notice: Notice shall be given of the time, place, and purpose of the public hearing by posting on the premises which is the subject of the hearing a notification sign which meets the requirements set forth in the hearing procedures. The sign shall be posted not less than three (3) days before the hearing to which it refers.

4-7-6-6: Board decisions: Board decisions shall be in writing and issued within two (2) business days after the close of the hearing. In reaching its decision, the Board may consider whether the decision, notice, or order appealed from was based upon a correct interpretation of this Code, on the rules legally adopted thereunder, whether the provisions of the Code do not fully apply, or whether the requirements of this Code are adequately satisfied by other means. The Petitioner shall establish by a clear preponderance of the evidence that his proposal is equivalent or superior to the adopted Code

requirement. The decision shall state that the decision is a final administrative decision which may be appealed to the Circuit Court under the Administrative Review Law, 735 ILCS 5/3-101, *et seq.*, within thirty-five (35) days of delivery of the decision. Failure to secure the concurring votes of a majority of Board members present where a quorum has been obtained shall be deemed a confirmation of the decision of the Building Official.

4-7-6-7: Effect of Appeal: The appeal shall stay the decision, notice, or order appealed from, unless the Building Official certifies to the Property Services Board after the appeal has been filed that a stay would in the Code Official's opinion cause imminent peril to life or property. In such case, the suspension or revocation shall not be stayed unless a restraining order is issued by a court of competent jurisdiction, and then only if due cause can be conclusively shown.

4-7-7: ADDITIONAL REGULATIONS:

(A) **Copper Wire:** Copper Wire shall be used for all ground conductors and water meter jumpers. (Ord. 44-O-75, amd., and Ord. 109-O-96).

(B) **Treatment of aluminum wire:** All aluminum wire installed in any installation shall be wire, brushed and treated with a compound according to manufacturer's recommendations.

(C) **Fuse and breaker boxes:** No additional fuse or breaker boxes shall be installed without written approval of the director of community development. (Ord. 109-O-96).

4-7-8: ELECTRICAL CONTRACTORS:

(A) **Definition:** The term "electrical contractor", as used in this Section, means any person, firm, or corporation engaged in the business of installing or altering by contract electrical equipment for the utilization of electricity for light, heat, or power. But the term "electrical contractor" shall not include the installing or altering of:

1) radio apparatus or equipment for wireless reception of sounds and signals, or

2) apparatus, conductors, or other equipment installed for or by public utilities, including common carriers, which are under the jurisdiction of the Illinois Commerce Commission, for use in their operation as public utilities.

Nor shall the term include the employees employed by an electrical contractor to do or supervise his work.

(B) **Registration required:** No person shall engage in the business of electrical contracting within the City without first having approved registration with the Assistant Director of Community Development, Building Division.

(C) **Registration fee:** The amount of the annual registration fee for persons engaged in the business of electrical contractor shall be as approved by the City Council.

Exemptions:

1) An electrical contractor who is registered in one City or Village within the State of Illinois shall not be required by any other municipality to be registered or to pay a registration fee in such other municipality.

2) Nothing contained in this Section shall prohibit the owner-occupant of a single-family residence from planning, installing, altering, or repairing the electrical system of such residence, provided that said owner-occupant complies with all ordinances, rules, and regulations of the City and provided, further, that any such owner-occupant may not employ any person other than a registered electrical contractor to assist him in such work.

4-7-9: PENALTY:

Any person who shall violate any provisions of the *2005 National Electrical Code* adopted hereby, or who shall be found to have failed to comply with any of the requirements thereof, or who shall be found to have changed, moved, or altered any wiring apparatus, fixture, machinery or device in violation of any approved plan or direction of the Assistant Director of the Department of Community Development or of any permit or certificate issued under the provisions of said *2005 National Electrical Code*, adopted hereby, shall be guilty of an offense, punishable as follows:

1) The fine for a first violation is \$75.00 (seventy-five and no/100 dollars).

2) The fine for a second violation is \$200.00 (two hundred and no/100 dollars).

3) The fine for a third or subsequent violation is \$375.00 (three hundred seventy-five and no/100 dollars).

(B) Each day a provision of this chapter is found to have been violated constitutes a separate violation subject to the fine schedule set forth in this Section.

(C) The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an administrative hearing officer to impose other penalties and remedies as provided for by applicable legislation. (Ord. 127-O-00).

4-7-10: SEVERABILITY:

It is the intention of the City Council that this Ordinance and the Code adopted hereby are severable, and the invalidity of any Section or part of any Section of this Chapter and the Code hereby adopted shall not affect any other Section or portion of said Chapter or Code.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this Ordinance shall be in full force and effect from and after its publication, approval, and publication in the manner provided by law.

Introduced: April 12, 2005

Adopted: April 25, 2005

Approved:

May 2, 2005
Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:

Ellen Squarcello
Corporation Counsel
Attest.

