

## **RESOLUTION #453**

### **APPROVAL/LOCAL LAW/AMEND CHAPTER 145 OF THE CODE OF PUTNAM COUNTY ENTITLED "ELECTRICIANS"**

**Be it enacted by the County Legislature of the County of Putnam as follows:**

**Section 1. Chapter 145 of the Code of Putnam County is hereby amended to read as follows:**

#### **ELECTRICIANS**

##### **§ 145-1 Title.**

This chapter of the Code of Putnam County shall be entitled and known as the "Putnam County Electrical Licensing Law."

##### **§ 145-2 Legislative intent.**

It is the intent of this chapter to regulate, license and certify the business of electricians within the County of Putnam in order to protect and promote the health, safety and welfare of the residents of Putnam County. This chapter, which amends L.L. No. 2-1992 (and any amendments thereto), seeks to protect against the loss of life and property by seeking to ensure, through examination and licensure, that the installation and repair of electrical wiring is undertaken by persons with experience and training in the field of installing, altering and/or repairing electrical wiring and appliances for light, heat, power and signaling systems.

##### **§ 145-3 Applicability.**

The provisions of this chapter shall not apply to persons engaged solely in the following types of activities:

- A. The sale of ordinary electrical appliances and devices.
- B. The attachment of ordinary electrical appliances and devices to existing electrical circuits, provided that no jointing splicing of electrical conductors is required.
- C. The installation (excepting the installation of electrical feed), maintenance or repair of elevators, dumbwaiters and escalators.
- D. The repair of heating systems other than electrical heating systems.
- E. Any work involved in the manufacture, assembly, testing or repair of electrical machinery, apparatus, materials or equipment performed by a person, firm or

- corporation whose primary business consists of electrical manufacturing.
- F. Any work performed in connection with the erection, construction, maintenance and/or repair of lines and facilities for the generation, transmission and delivery of electricity by an electric corporation (as defined by the New York Transportation Corporation Law) or municipal plant authorized to generate and/or sell electricity from a supply source to a service connection; nor to any work performed by such companies and/or plants in connection with the installation, maintenance and/or repair of service connections, meters and other apparatus on consumers' premises, provided such apparatus remains the property of such company or plant.
  - G. Emergency repairs of wiring and/or electrical apparatus performed by an electrical corporation or municipal plant necessary for the protection of life and/or property.
  - H. Any work performed by a company incorporated for the transmission of electronic intelligence or information, excluding cable television, in connection with the installation, maintenance and/or repair of electrical wiring or apparatus.
  - I. Any electrical work performed by or in furtherance of the business and/or operation of a telephone, telegraph, railroad or radio broadcasting system, or amplifiers, battery racks or any item that generates a signal, provided such work is an integral part of providing a duly authorized service to the general public and excepting electrical work performed in the administration offices of such companies.
  - J. Electrical work performed by or pursuant to contract with any federal or state government agency.

#### **§ 145-4 Definitions.**

For the purposes of this chapter, the following terms shall have the following meanings, unless otherwise indicated by context.

**BOARD** -- The Electrical Board of Putnam County as provided for by this chapter.

**BUSINESS ENTITY** -- As used in this chapter, the term "business entity" shall include any corporation, partnership, limited partnership or joint venture formed for the purpose of engaging in the business and/or trade of a master electrician.

**CERTIFICATE OF COMPETENCY** -- A certificate issued by the Board to persons who have successfully completed an examination for master electrician as provided for by the provisions of this chapter.

**COUNTY EXECUTIVE** -- The County Executive of Putnam County.

**DIRECTOR** -- The Director of the Putnam County Department of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

**DEMOLITION**-- Any and all removal, relocation, disconnection or disassembly of electrical equipment, live or dead.

**ELECTRICAL WORK** -- The installation, erection, alteration or repair of electrical wiring, apparatus, fixtures, devices, appliances or equipment.

**HELPER** -- -- 1. A person who is learning the electrical trade or limited data communications trade under the direct supervision and control of a licensed master electrician, licensed limited data communications technician or journeyman electrician in Putnam County. 2. Any person working on a job site in Putnam County under a licensed master electrician or licensed limited data communications technician data communications technician who is not a licensed master electrician or licensed limited

data communications technician or a journeyman electrician. Effective March 31, 2009, the Board will issue helper registration cards upon successful application to the Board.

**JOURNEYMAN ELECTRICIAN** -- A person who works within Putnam County and is employed by and under the direct supervision and control of a licensed master electrician, with a minimum of 8,000 hours' experience as a helper, who has successfully completed an examination for registration as a journeyman electrician. Effective September 30, 2008, a journeyman will be required to successfully complete an examination for registration as a journeyman electrician. Prior to September 30, 2008, the Board will issue journeyman registration cards upon successful application to the Board.

**LEGISLATURE** -- The Putnam County Legislature.

**LIMITED DATA COMMUNICATIONS TECHNICIAN** -- Any person who furnishes and/or installs, repairs, maintains, alters or erects cabling systems for computer networking, telecommunications, cable TV, intercom, audio/visual, fiber optics and wireless and any other system operating at 90 volts or less and a maximum of five amperes where such work commences at an outlet receptacle or connection previously installed by a person holding the proper electrical license, except for those engaged in the business of installing security or fire alarm systems as provided in Article 6-D of the New York State General Business Law. Effective March 31, 2008, a limited data communications technician, upon providing proof of 4,000 hours' experience, will be required to successfully complete an examination for licensure as a limited data communications technician. Prior to March 31, 2008, the Board will issue limited data communications technician licenses upon successful application to the Board. For purposes of this definition, any Master Electrician is qualified to do the work of a limited data communications technician. [Amended 8-7-2007 by L.L. No. 11-2007]

**MASTER ELECTRICIAN** -- Any person who is licensed by Putnam County as a Master Seven (7) Electrician or a Master Eleven and a Half (11 ½) Electrician.

**MASTER ELEVEN AND A HALF (11 ½) ELECTRICIAN** -- Any person who has successfully completed a minimum of 8,000 hours' experience as a helper and 15,000 hours' experience as a journeyman electrician who has successfully passed an examination for licensure as a master electrician, who performs or supervises the installation, erection, extension, alteration and/or repair of electrical wiring, apparatus, fixtures, devices, appliances and/or equipment utilized or designed for the utilization of electricity for light, heat, cooling, power or signaling purposes.

**MASTER SEVEN (7) ELECTRICIAN** -- Any person who has successfully completed a minimum of 8,000 hours' experience as a helper and a minimum of 6,000 hours' experience as journeyman electrician who has successfully passed an examination for licensure as a master electrician, who performs or supervises the installation, erection, extension, alteration and/or repair of electrical wiring, apparatus, fixtures, devices, appliances and/or equipment utilized or designed for the utilization of electricity for light, heat, cooling, power or signaling purposes.

**PERSON** -- For purposes of this chapter, the term "person" shall include an individual, partnership, corporation, business organization or other similar entity.

**SPECIAL ELECTRICIAN** -- Any person who is in the exclusive employ of the owner, lessee or manager of a particular building or other structural facility, and whose employment consists solely of the work of a master electrician as defined herein.

**§ 145-5 License required.**

- A. No person shall engage in, carry on or conduct the business or trade of master electrician, limited data communications technician, special electrician, journeyman electrician, or helper within the County of Putnam unless duly licensed or registered in accordance with the provisions of this chapter. Building renovations and demolitions require a licensed electrical contractor for all electrical demolition work.
- B. No person shall represent himself or herself to be, or hold himself or herself out to the public, or advertise as, or offer or contract to perform the work of a master electrician, limited data communications technician, special electrician, journeyman electrician or helper within the County of Putnam unless duly licensed/registered pursuant to this chapter.
- C. Nothing contained in this chapter shall be construed to obviate the need for procuring any and all permits otherwise required by law for the performance of electrical work in the County of Putnam.
- D. No permit for construction or certificate of occupancy or certificate of approval shall be issued by any Putnam County municipality if there has been an installation, alteration or repair of electrical wiring, apparatus, fixtures, devices, appliances or equipment in violation of this chapter.

**§ 145-6 Board of Electrical Examiners.**

- A. Board established. There shall be a Board of Electrical Examiners ("Board") consisting of nine members, who shall each be residents of the County of Putnam.
- B. The Board shall interview all candidates for Board membership and submit all candidates' resumes to the Legislature.
- C. Board members shall be appointed by a majority vote of the Putnam County Legislature. Board members shall serve a term of three years and at the pleasure of the Legislature.
- D. Composition of Board. The composition of the Board shall be as follows:
  - (1) Two members shall be master electricians licensed in Putnam County, with a minimum of 10 years' experience in electrical contracting and construction work, and who have in their employ at least one journeyman electrician.
  - (2) One member shall be a master electrician licensed in Putnam County.
  - (3) One member shall be a journeyman electrician.
  - (4) One member shall be a representative of New York State Gas and Electric (NYSEG), or any successor in interest thereof, or a representative of Central Hudson Gas Electric (CHGE), or any successor in interest thereof.
  - (5) One member shall be a limited data communications technician.
  - (6) One member shall be a duly appointed Building Inspector from a municipality located in Putnam County.
  - (7) One member shall be a member of an electrical workers' union serving in Putnam County.
  - (8) One member shall be a resident of the County and shall not be nor have been a licensed master electrician, limited data communications technician, journeyman electrician nor a helper.
- E. Secretary. There shall be a Secretary to the Board who shall be appointed by the

County Executive. The Secretary shall report to the Director, who shall be responsible for the direct daily supervision of the Secretary.

- F. Chairperson and Vice-Chairperson. The Board, by majority vote of the entire Board, shall elect a Chairperson and Vice-Chairperson, each of whom shall serve a one-year term. A Chairperson shall serve no more than two consecutive one-year terms. Once a Chairperson has served two consecutive one-year terms, he/she shall be prohibited from serving as the Board Chairperson or Vice-Chairperson for a period of not less than two years.
- G. Quorum. A majority of the Board shall constitute a quorum for the transaction of business.
- H. Vacancies. In the event of a vacancy on the Board, such vacancy shall be appointed by a majority vote of the Putnam County Legislature to fulfill the remainder of the vacating member's term.
- I. Removal. A Board member may be removed by majority vote of the Putnam County Legislature for misconduct or malfeasance in office, incompetence, incapacity, neglect of duty, chronic absenteeism, or other good and sufficient cause as set forth in the Board's rules and regulations.

#### **§ 145-7 Powers and duties of Director.**

In addition to such other powers and duties as may be provided for by local law, the Director shall be responsible for the direct daily supervision of the Secretary to the Board, the License Enforcement Officer(s) and any other employees of the Department of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

#### **§ 145-8 Powers and duties of Board.**

The Board shall have the following powers and duties:

- A. Rules and regulations. The Board shall promulgate its own rules and regulations with respect to its proceedings and with respect to any matter over which it has jurisdiction, including the conduct of examinations, subject to guidelines set forth in the Putnam County Legislative Manual for the setting of agendas, conduct of meetings, and keeping of minutes. The Board shall prepare a manual of its duly adopted rules and regulations, which shall be made available for public inspection, and file the same with the Clerk of the Legislature. The Board shall within 30 days file with the Clerk of the Legislature a copy of every rule, regulation and/or amendment thereto, and every decision, determination and/or appeal thereof, and the same shall be public record.
- B. Meetings: The Board shall hold at least one meeting per month and on any other occasion on the call of the Chairman or a majority of the sitting Board members. All members shall be provided with a minimum of four days' prior written or oral notice of a meeting.
- C. Minutes/Voting records. At a minimum, the Board shall keep minutes and tape recordings of its meetings and proceedings, including a recorded roll call vote on every action taken by the Board. Such roll call vote shall indicate whether the member voted "yes" or "no," abstained from voting (and the reason therefor), or was

otherwise absent for the vote. These minutes shall be filed with the Clerk of the Legislature within 30 days after they have been approved by the Board, and all tape recordings will be kept for one year.

- D. Examinations and qualifications. The Board shall prescribe the licensing examinations for assessing an applicant's knowledge and expertise in the field of electrical work. In addition to prescribing written examinations, the Board may investigate the qualifications, fitness and employment history of any applicant requesting licensure pursuant to this chapter. The Board may require, as a condition of examination, that the applicant provide whatever documentation and/or information relating to current or prior employment, qualifications and fitness, including tax returns, as it may deem necessary for the purpose of ascertaining an applicant's qualifications for licensure and/or certification.
- E. Licenses/Registration for master electrician, special electrician, limited data communications technician, journeyman electrician and helper. Upon successful completion of the requisite examination(s) and upon the Board's satisfaction of the applicant's qualifications for the license sought, the Board shall grant and issue periodic licenses/registrations for master electrician, special electrician, limited data communications technician, journeyman electrician and helper. Licenses and registrations shall be signed by the Director. The Board shall maintain a record of all licenses and certifications issued, suspended and/or revoked under the provisions of this chapter, and shall file the same in the Office of the Putnam County Clerk, to be made available for public inspection.
- F. Complaints. The Board shall have the power to hold hearings on complaints and charges which have been filed by any person, business, the Director or the License Enforcement Officer and to make formal findings of facts and impose penalties and sanctions in accordance with the law.
- G. Subpoena power. The Board shall have the power to issue and cause to be served subpoenas for the production of books, records and documents and appearance of witnesses at any duly convened hearing of the Board.
- H. Fees. The Board shall have the power to collect fees for (1) the administration of examinations ("testing fees") and (2) the issuance and/or renewal of licenses hereunder ("licensing fees"), (3) application fees and (4) electrical inspection fees. Such fees shall be in accordance with fee schedules duly adopted by the Legislature. All fees collected under this chapter shall be nonrefundable.
- I. Recommendations. The Board shall make recommendations to the Putnam County Legislature regarding any matter relating to the administration of this chapter, including proposed amendments thereto.
- J. Suspension/Revocation; civil penalties. The Board shall have the power to suspend and/or revoke licenses issued hereunder and/or assess and impose civil penalties for cause as prescribed by the provisions of this chapter.
- K. Experts, etc. Subject to legislative approval and appropriation of funds, the Board may hire experts and/or consultants and pay for their services as may be necessary and appropriate in the conduct of its business.
- L. Oaths. The Chairman of the Board or his/her designee shall be empowered to administer oaths.

**§ 145-9 Application and examination procedure.**

- A. Written application. Written applications for licensure or registration as a master electrician, special electrician, limited data communications technician, journeyman electrician or helper shall be submitted to the Secretary of the Board on the form prescribed by the Board. At a minimum, each application shall set forth the name, residence address, business address, telephone numbers and trade names of the applicant, plus such additional information concerning his or her qualifications as the Board may require. The Board shall not require a letter from a former employer evidencing experience in the applicant's respective field. All applications shall be signed by the applicant, whose signature shall be duly acknowledged. Applications must be made in the name of the individual seeking licensure. If the applicant is an officer, owner or employee of an electrical contracting business, partnership or corporation, then the application shall set forth the names of all officers, owners and employees thereof as of the date of application.
- B. Testing fee. Where applicable, applications must be accompanied by the appropriate testing fee. Testing fees collected under this chapter shall not be refundable in the event of failure to take or pass the written examination.
- C. Upon receipt of an application, the Secretary shall immediately forward a copy of the same to the Chairman of the Board.
- D. Board review. Within 60 days of receipt of a complete application for a license, the Board shall review such application in order to ascertain whether the applicant possesses the minimum qualifications necessary to sit for a licensing examination. At the discretion of the Chairman, a subcommittee of Board members could be convened to review and vote upon an applicant's application before being sent to the full Board for final review and vote. Once an affirmative vote of a majority of the full Board has been made, the applicant shall be permitted to take the licensing examination. Applicants shall include with their application satisfactory evidence to demonstrate to the Board that they are a competent electricians and qualified to perform electrical contracting, construction and/or installation work; have working knowledge of electricity, including the natural laws, properties and functions of electricity and electrical apparatus; practical working knowledge of the National Electric Code and all other applicable provisions of law pertaining to the installation, repair and maintenance of electrical wiring and apparatus; together with such other information and/or documentation as the Board may require in considering said application. Failure to submit the foregoing evidence and/or information as requested by the Board will result in a denial of said application.
- E. Written examination. Upon satisfactory submission of all application materials, the applicant shall be required to take and successfully complete the appropriate examination for which licensure is sought. Either the Board or an approved testing agency shall provide written examinations a minimum of two times per calendar year. Should the Board administer the examination, it shall be monitored by at least two members of the Board, who shall sign their names to all parts of the applicant's examination. The date, time and place of testing shall be determined by the Board or the approved testing agency. The Board shall provide applicants with a minimum of two weeks' written notice of testing dates. A complete record of every examination administered under the provisions of this chapter shall be kept on file with the

- approved testing agency for a period of three years following the date of examination.
- F. Passing grade. Applicants must receive a grade of 70% or higher on the written examination to qualify for licensure. Applicants shall be notified of the results of their written examinations within 10 working days after the date of the examination. The names and addresses of all successful applicants shall be registered by the Board in the Board of Electrical Examiners Licensing Records maintained by the Board.
- G. Failing grade. In the event an applicant fails the written examination (i.e., receives a 69% or lower), he or she may reapply for licensure under the provisions of this chapter, subject to the following additional waiting periods:
- (1) Second written examination: upon payment of the appropriate testing fee, applicant may retake the examination at the next available testing date.
  - (2) Third and subsequent written examination: upon payment of the appropriate testing fee, six-month waiting period, measured from the date of the applicant's preceding written examination.
  - (3) New application required. An applicant who fails the written examination three times must submit a new application, accompanied by payment of the appropriate testing fee and application fee.
- H. Exceptions to testing requirements.
- (1) The Board, with Legislative approval, may waive the examination requirements and issue a master electrician license, special electrician, limited data communications technician license, journeyman electrician license or helper Registration issued by other municipalities of the State of New York outside of Putnam County, provided that, in the judgment of the Board, the qualifications for such licenses or certifications by such other municipalities are substantially similar to those required by or permitted pursuant to this chapter. Furthermore, such municipalities shall similarly issue a license or certification without examination to an individual with such qualifications licensed or certified in Putnam County, as evidenced by local law and/or resolution by such municipality. Both Putnam County and the municipality shall file with their respective County or Town Clerks these reciprocity agreements. All other requirements for licensure and/or certification provided for by this chapter remain applicable to such persons. Such persons are subject to all provisions of this chapter.
  - (2) Licenses issued pursuant to § 145-9H may be renewed in accordance with the provisions of this chapter.
  - (3) Persons licensed in accordance with this subsection must at all times retain their licensure from the conferring jurisdiction. Failure to do so will result in immediate termination of the license issued hereunder.
  - (4) Nothing in this subsection shall obviate the need for procuring any permits for electrical work otherwise required by local or state law, rule or regulation.
- I. A complete record of every examination administered under the provisions of this chapter shall be kept on file for a period of three years, measured from the date of the examination.
- J. All applications for an original or renewal registration certificate shall include a representation by the applicant, in a form as determined by the Putnam County Legislature, that they will (a) use the E-Verify Internet based system, operated by the

Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA), to verify the employment authorization of the applicant and all newly-hired employees, and (b) maintain records documenting their use of E-Verify during the term of their registration certificate. If such representations are not made, such registration certificate will not be issued. All applications shall also be accompanied by documentation issued by the U.S. Department of Homeland Security, indicating that the applicant has registered as an E-Verify user. An applicant's failure to comply with the provisions as described herein, shall constitute grounds for the imposition of a fine and/or the suspension or revocation of an application for the renewal of a registration certificate, in accordance with the applicable provisions of this Chapter. This paragraph shall not apply to applicants who have no employees or applicants who reasonably anticipate that no employees will be hired during the term of such registration certificate.

- (1) Applicants who hire workers from a temporary agency or temporary staffing company shall not be required to use the E-Verify internet based system to verify employment authorization of those workers hired through the temporary agency or staffing company. However, all other rules applicable to helpers in this Chapter shall apply to workers hired through a temporary agency or staffing company.

#### **§ 145-10 Issuance and renewal of license.**

- A. Issuance. Upon payment of the appropriate licensing fee, the Board shall issue a license/registration to the approved applicant, together with an indicia of licensure or registration evidencing the same (which shall remain the property of the County of Putnam). Licenses shall be issued to individuals only.
- B. Licensing fees. The amounts for licensing and renewal fees shall be set annually by resolution of the Putnam County Legislature. Such fee must be paid by the applicant prior to the issuance of a license or renewal thereof by the Board.
- C. All licenses shall be numbered in the order in which they are issued and shall contain such information as prescribed by the Board.
- D. With respect to master electricians, such person shall be designated on the license as the supervisor of all work done under the license.
- E. Term.
  - (1) Each master license and limited data communications technician license issued hereunder shall expire on the next succeeding 31st day of December.
  - (2) Beginning on the 30th day of September, 2008, each journeyman card shall be issued for a two-year period expiring on the second succeeding 30<sup>th</sup> day of September and shall be issued upon the payment of a two-year fee. Thereafter, such journeyman card shall expire on the 30<sup>th</sup> day of September of each even-

number year.

- (3) All helper registration cards issued pursuant to the definition of "helper" in § 145-4 of this chapter shall expire on September 30, 2011, and shall be issued upon payment of a two-year fee. Thereafter each helper registration card shall expire on the 30<sup>th</sup> day of September of each odd-number year.
- F. Renewals. Applications for renewal of a license duly issued under the provisions of this chapter shall be submitted to the Secretary of the Board on the form prescribed by the Board at least 30 days prior to the expiration date of the license and/or certification, and shall be accompanied by the appropriate annual licensing fee. Upon request by the Board, applicants for renewal must provide the Board with such proof as may be necessary and appropriate to satisfy the Board of the applicant's qualifications, competency and fitness to carry on the trade for which he or she is licensed and/or certified.
- G. Late renewal. If application for renewal is not made within the time prescribed herein, the Board, in its sole discretion, may nevertheless renew the license and/or certification in accordance with the Board's rules and regulations. In such event, before the Board may issue a renewal, the licensee must pay the appropriate late fee, as set by the Board and approved by the Legislature, in addition to the annual licensing fee.
- H. Suspension of renewal privileges. Failure to renew a license issued under the provisions of this chapter within 90 days after expiration thereof shall result in the complete revocation of all renewal privileges hereunder. Any person desiring a license after such revocation of privileges shall be required to reapply for licensure in accordance with the provisions of this chapter, including the payment of all applicable fees and successful reexamination.
- I. Severance of business ties; notice to Board. Whenever a licensed master electrician representing an electrical contracting business, which operates under a trade, partnership or corporate name, severs his or her relationship with such business, it shall be the duty of the licensee and the business to notify the Board of such action within 30 days from the date thereof. Failure to do so shall be deemed sufficient cause for (1) denying a new license, certification and/or renewal thereof to such person and (2) prohibiting the business to continue in the electrical contracting business.
- J. Presentation on demand. All licensees and registrants shall be required to present evidence of licensure or registration, upon demand by the Director, the Code Enforcement Officer(s) and/or the License Enforcement Officer(s) appointed under this chapter and Chapter 135, Contractors, and Chapter 190, Plumbing and Mechanical Trades, of Putnam County. Failure to do so shall constitute a violation of this chapter. A violation of this section shall subject such person to civil and/or criminal penalties as provided for in this chapter.
- (1) Licensed and registered contractors shall require all workers working for the licensed or registered contractor on a job site to carry identification at all times the job site. A violation of this section shall subject the licensed or registered contractor to a civil penalty as provided for in this chapter.
  - (2) Should a licensed or registered contractor be charged with a violation of Chapter 145-10(J)(1) for a worker not carrying identification, the licensed or registered contractor shall have two County business days to produce the worker's

- identification to the Department of Consumer Affairs for a reduction in the civil penalty. In order to receive a reduction in the civil penalty, at the time the identification is produced to the Department of Consumer Affairs the licensed or registered contractor shall present the payroll records of the employee or evidence of the licensed or registered contractor's payment to the company that employs the worker found on the job site without identification.
- K. Military service exception. In the event a licensee is called to active duty in the United States military, his or her license shall be deemed frozen during the period of such active duty. Upon return from active duty, and presentation to the Secretary of the Board of proof of the dates of active duty, such license and/or certificate shall be reactivated effective the day after the last date of active duty. Provided active duty deployment was greater than 30 days, the licensee will be credited for each day of active duty and the term of his or her license shall be credited and all applicable fees will be pro-rated accordingly. This exception shall be retroactive to account for any deployment occurring after September 11, 2001.

#### **§ 145-11 Prohibited acts.**

The following acts are strictly prohibited:

- A. Abandonment or failure to perform, without justification, any contract for electrical work or project engaged in or undertaken by the contractor.
- B. Making any substantial misrepresentation in the procurement of a contract for electrical work, or making any false promise likely to influence, persuade or induce.
- C. Any fraud in the execution of or in the material alteration of a contract for electrical work, or making any false promise likely to influence, persuade or induce.
- D. Any fraud in the execution of or in the material alteration of any contract, promissory note or other document incident to a contract for electrical work.
- E. Making a false statement or providing false information in making an application for registration, including a renewal or duplicate.
- F. Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligation of a contract for electrical work with knowledge that it represents a greater monetary obligation than the agreed-upon consideration for the contract.
- G. Demanding or receiving any payments prior to the signing of a contract for electrical work.
- H. Receiving at or before the time of execution of a contract, a deposit of more than 1/3 of the contract price.
- I. Directly or indirectly publishing any advertisement relating to electrical work which contains an assertion, representation or statement of fact which is false, deceptive or misleading, provided that any advertisement which is subject to and complies with then existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading; or by any means or advertising or purporting to offer the general public any electrical work with the intent not to accept contracts for the particular work or at the price which is advertised or offered to the public.
- J. Disregard and violation of the building, sanitary and health laws of this state or of any political or municipal subdivision thereof.

- K. Failure to notify the Board, in writing, of any change or control in ownership, management or business name or location.
- L. Failure to adhere to any of the requirements as set forth in § 145-5 of this chapter.
- M. Conducting an electrical business in any name other than the one in which the contractor is registered.
- N. Failure to comply with any order, demand or requirement made by the Director pursuant to the various provisions of this chapter.
- O. Failure to list registration number in any and all advertisements for the registered electrical business.
- P. Failure to establish or maintain financial solvency, taking into account the scope and size of a person's business in relation to the person's current assets, liabilities, credit rating, net worth and circumstances affecting solvency. Such financial information shall be confidential and not a public record, but, where relevant, shall be admissible as evidence in any administrative hearing or judicial action or proceeding.
- Q. Failure to maintain the proper insurance, surety license and permit bond, as required by § 145-29 hereof.
- R. Any fraud in recommending the installation, repair or replacement of any item the electrician knew or should have known was not required.
- S. Work which is not consistent with New York State Building Codes, local codes, contemporary industry standards or any other applicable codes.

#### **§ 145-12 Performance standards.**

All electrical work performed within Putnam County for which a license is required under the provisions of this chapter shall be performed in conformity with all applicable laws, rules, regulations, standards and/or building codes relating to the installation, repair, extension and/or alteration of electrical work. In every case where no specific type or class of material and/or no specific standards are prescribed by law, conformity with the regulations and requirements contained in the National Electric Code shall constitute prima facie evidence of conformity with approved standards for safety to life and property.

#### **§ 145-13 Filing.**

All electrical work performed in Putnam County must be filed for inspection with the Putnam County Office of Consumer Affairs/Electrical Board. A violation of this section shall subject such person to civil penalties as provided for in this chapter.

#### **§ 145-14 Inspections.**

The inspections made and the certificates of approval or permits issued by any electrical inspection agency approved by Putnam County for any electrical installation in the County of Putnam or by an Electrical Inspector approved by Putnam County for any

electrical installation in the County of Putnam shall be deemed as evidence of proper installation by the Board.

- A. The County may approve more than one electrical inspection agency. In the event the County has approved an electrical inspection agency, the award of a contract to such electrical inspection agency shall be based on an evaluation by the Board of proposals submitted in response to a request for proposal or bid prepared by the Director of Purchasing. The contract term for any approved electrical inspection agency shall be for one year.
- B. In the event the County has approved an Electrical Inspector, the inspector will be a certified Electrical Inspector and shall be required to pass a civil service examination for this classification. The Electrical Inspector will be appointed by the County Executive subject to confirmation by the County Legislature.

#### **§ 145-15 Transferability.**

- A. Upon receipt of the appropriate licensing fee, the holder of a valid special electrician license shall be permitted to transfer such license to a newly designated employer or location at no additional cost. In such event, a new special electrician license shall be issued by the Board designating the new employer and/or location. The newly issued license shall expire in accordance with the term of the originally issued special electrician license. The original special electrician license shall be surrendered to the Board at the time of application for transfer.
- B. No holder of a master electrician license, special electrician license, limited data communications technician license, journeyman electrical license or helper registration duly issued under the provisions of this chapter shall, directly or indirectly, authorize, consent to or permit the use of his or her license or registration by or on behalf of any other person or business entity. A violation of this section shall be grounds for immediate revocation or suspension of license or registration in accordance with § 145-18 of this chapter, and shall subject such licensee to penalties as provided for in this chapter.
- C. In addition to its ordinary meaning, a license or registration shall be deemed to have been assigned or transferred within the meaning of this chapter if a licensee/registrant or the employer of a licensee/registrant is not actually engaged in the performance of electrical work and secures the performance of electrical work by another person.

#### **§ 145-16 Registration of Helpers and Journeymen**

- A. No person who is licensed as a master electrician pursuant to this Putnam County Electrical Licensing Law shall hire any person to perform services of a Journeyman electrician in Putnam County unless such person has obtained a Journeyman electrician card under this law.
- B. No person who is licensed as a master electrician pursuant to this Putnam County Electrical Licensing Law shall hire any person to perform services of a helper in Putnam County unless such person has registered as a helper under this law.

- C. A violation of this section shall subject such person to civil and/or criminal penalties as provided for in this chapter, except that a master electrician shall be solely responsible for any and all unregistered or unlicensed employees.
- D. This section shall not be construed to impose penalties upon an employee of an unlicensed electrician. Should an unlicensed electrician hire a Journeyman electrician, helper, or a civilian the unlicensed electrician shall be penalized.

**§ 145-17 Unlicensed electricians.**

- A. No person who has not qualified for and obtained a license, certificate, or registration card issued under the provisions of this chapter shall represent himself or herself to the public, or engage in the work of, a licensed electrician, Journeyman electrician, or helper in Putnam County.
- B. A violation of this section shall subject such person to civil and/or criminal penalties as provided for in this chapter, except that a master electrician shall be solely responsible for any and all unregistered or unlicensed employees.

**§ 145-18 Suspension or revocation of license.**

- A. The Board shall have the power to suspend or revoke any license/registration or renewal thereof duly issued under the provisions of this chapter upon a showing, made in accordance with the rules and regulations of the Board and supported by substantial evidence, that:
  - (1) The licensee and/or registrant violated any provision of this chapter, the rules and regulations of the Board, or any other law, code, rule or ordinance pertaining to electrical trade, including, but not limited to, the National Electrical Code; or
  - (2) The licensee and/or registrant is unfit or incapable of performing or engaging in the trade for which he or she is licensed, as evidenced by substantiated complaints and/or charges filed against the licensee and/or registrant with the Board.
- B. Prior to taking action to suspend or revoke a license or registration, the Board shall provide notice and conduct a hearing in accordance with the procedures set forth in § 145-26 of this chapter.
- C. In the event the Board suspends or revokes a license or registration issued hereunder, it shall set forth in writing the reasons supporting such determination and provide a copy of the same to the licensee/registrant within 10 days after the close of the hearing provided for in § 145-26.
- D. In the event of suspension, said determination shall set forth the term of the suspension.
- E. In the event of revocation, the licensee/registrant shall not be eligible for relicensing/reregistration for a period of one year after the date of the written determination of the Board, and only then after successful re-examination in accordance with the provisions of this chapter.

**§ 145-19 Shelving of License.**

Upon written request by the licensee and/or certificate holder, setting forth in detail the reasons therefor, the Board may deem a license or certificate shelved, subject to the following:

- A. The licensee and/or certificate holder shall surrender his or her plate to the Board.
- B. The granting of a request for shelved status shall not be deemed or otherwise considered a suspension of license or certificate.
- C. The period of shelved status may be granted for a period of one year.
- D. The period of shelved status shall commence on January 1 of the next year following the granting of approval by the Board.
- E. On or before the December 31 of each year of shelved status, the licensee and/or certificate holder must either:
  - (1) Submit a written request for an extension of shelved status, which may be granted at the discretion of the Board; or
  - (2) Submit a written request that his or her license or certificate be reactivated, which request shall be granted by the Board without further testing or qualification.
- F. A fee shall be assessed against the licensee and/or certificate holder during any period of approved shelved status.
- G. Upon reactivation, the licensee and/or certificate holder shall be required to pay the appropriate annual licensing or certificate fee regardless of the time remaining in the calendar year.
- H. Any license or certificate holder of a shelved license found working in Putnam County shall be deemed unlicensed/uncertified. He/She shall be subject to fines and penalties as provided for in this chapter, and shall permanently lose his/her eligibility to apply for a shelved license in the future.
- I. A licensee or certificate holder granted shelved status must complete any continuing education credit hours that may be required during the period of time the license or certificate is shelved in order to reactivate the license or certificate.

**§ 145-20 Shelving of license for municipal electrician.**

- A. For purposes of this section, a licensed master electrician, as defined in this chapter, shall be eligible to shelve his/her license/certification while he/she is exclusively employed by:
  - (1) Putnam County government;
  - (2) A Putnam County town or village government; or
  - (3) A school district within Putnam County.
- B. The request for shelved status hereunder shall be made annually to the Board in writing. Once the Board has granted authorization to shelve, the licensee/certificate holder shall surrender his/her plate, license/certificate and remove decals from his/her vehicles, prior to activation of such shelving status. No shelved license/certificate holder shall receive a copy or any other reproduction of such shelved license/certification. In no way shall approval of shelved status hereunder be deemed a suspension under § 145-18 above.
- C. A fee shall be assessed against the licensee and/or certificate holder during any period of approved shelving. If a licensee/certificate holder activates his/her

license/certification at any time during the calendar year, he/she will be responsible for the full year's fee. Fees will not be prorated.

- D. Any license or certificate holder of a shelved license found working outside his/her exclusive employment by Putnam County government, a Putnam County town or village government, or a school district within Putnam County shall be deemed unlicensed/uncertified. He/She shall be subject to fines and penalties as provided for in this chapter, and shall permanently lose his/her eligibility to apply for a shelved license in the future.
- E. A license or certificate holder granted shelved status must complete any continuing education credit hours that may be required during the period of time the license or certificate is shelved in order to reactivate the license or certificate.

#### **§ 145-21 Fee waiver for municipal employees.**

- A. For purposes of this section, a licensed master electrician, as defined in this chapter, shall be eligible to have his/her annual license fees waived while he/she is exclusively employed by:
  - (1) Putnam County government;
  - (2) A Putnam County Town or Village government; or
  - (3) A school district within Putnam County.
- B. The request for "fee waived" status hereunder shall be made annually to the Board in writing. Once the Board has granted authorization to have fees waived, the licensee shall surrender his/her license and remove decals from his/her vehicles, prior to activation of such "fee waived" status. No "fee waived" license holder shall receive a copy or any other reproduction of such license. In no way shall approval of "fee waived" status hereunder be deemed a suspension under § 145-18 above.
- C. If a licensee activates his/her license at any time during the calendar year, he/she will be responsible for the full year's fee. Fees will not be pro-rated.
- D. Any "fee waived" license holder found working outside his/her exclusive employment by Putnam County government, a Putnam County town or village government, or a school district within Putnam County shall be deemed unlicensed. He/She shall be subject to fines and penalties as provided for in this chapter, and shall permanently lose his/her eligibility to apply for a "fee waived" license in the future.

#### **§ 145-22 Regulation of business.**

- A. Licenses may not be issued in the name of a corporate or business entity. In the case of a corporation, partnership, limited partnership or joint venture, the individual(s) who is responsible for the performance of work covered by this chapter on behalf of such corporation, partnership, limited partnership or joint venture, whether he/she is an employee, officer, owner, or shareholder of the same, must be individually licensed in accordance with the provisions of this chapter.
- B. Such licensed master electrician shall be solely responsible for the proper supervision and layout of any electrical work performed in the name of such business entity. All performing work under such licensed master electrician must be active employees of

such business entity.

- C. All such corporations, partnerships, limited partnerships or joint ventures must file with the Board a certified copy of the applicable business certification as is on file in the Clerk of the County where such business entity maintains its principal place of business.
- D. It shall be a violation of this chapter for any person or business entity doing or seeking to do business in Putnam County to present himself, herself or itself to the public as "master electrician" or "special electrician" or "limited data communications technician" or "journeyman electrician" or "helper" by the use of such terms or other words of similar import and meaning on signs, cards, stationary, printed material, advertisements or in any other manner whatsoever, unless such person or business entity shall have complied with the requirements of this chapter.
- E. Whenever a licensee, who represents or is employed by a electrical business entity, severs his or her relationship or employment with such business entity, it shall be the responsibility of such person and the business entity to provide the Board with written notice of such action within 30 days after such separation. In such event, such business entity shall provide the Board with proof that another duly licensed person is performing the actual work of the business. The failure of the licensee or the business entity to provide such notice and/or proof shall be deemed sufficient cause to deny issuance of a new license.

#### **§ 145-23 Reciprocal License.**

- A. Upon written application and payment of the required fee as determined by the Legislature, the Board may issue, without examination, a reciprocal license to any person who holds a valid master electrician license or the recognized equivalent thereof issued by another New York State municipality, provided such municipality recognizes and reciprocates the master electrician license issued by Putnam County. Such reciprocal license will allow the holder thereof to engage in the work or trade of a master electrician in Putnam County, provided such municipality has duly adopted the standards issued by the New York State Uniform Fire Prevention and Building Code as are applicable to the electrical trade.
- B. All persons holding a reciprocal license issued under this section shall be subject to the provisions of this chapter.

#### **§ 145-24 License/Certification display.**

- A. Each person issued a license, reciprocal license under this chapter will be issued a written certificate of license and a personal identification card, each of which will contain the holder's name, Putnam County license number, and the expiration date thereof.
- B. The personal identification card must be in the holder's possession at all times while on a job site, and available for inspection.
- C. Each person issued a license under this chapter will also be issued a vehicle decal which must be affixed prominently on all vehicles owned, leased or used by the license, certification or holder in the performance of his or her trade or business.
- D. All vehicles which are owned, leased or used in the name of a business entity, the

owners, principals and/or employees of which are subject to the provisions of this chapter, must prominently display the business name.

- E. Failure to comply in any manner with the provision of this section shall be a violation of this chapter and shall subject the licensee and/or holder to the sanctions provided for herein.

#### **§ 145-25 License Enforcement Officer.**

- A. Appointment. Subject to budgetary considerations, there shall be a License Enforcement Officer, who shall be appointed by the County Executive and shall be charged with the enforcement of this chapter. The License Enforcement Officer shall report directly to the Director, who shall be responsible for the direct daily supervision of the License Enforcement Officer.
- B. Powers and duties. The License Enforcement Officer shall have the following powers and duties:
  - (1) Investigations. Upon receipt of a complaint by any person alleging a violation of this chapter, or on his or her own initiative based on personal knowledge of a suspected violation, the License Enforcement Officer may conduct any independent investigation necessary to carry out the provisions of this chapter. Pursuant to this power, the License Enforcement Officer may:
    - (a) Subpoenas: issue subpoenas for the appearance of witnesses before a meeting of the Board and/or to compel the production of any books, records or documents which he or she may deem material and relevant.
    - (b) Appearance tickets: issue appearance tickets to alleged violators to compel their appearance before the Board. Such appearance tickets shall be in a form prescribed by the Board, and shall contain the information as provided for in § 145-26 below.
  - (2) Prosecutions. The License Enforcement Officer shall be charged with the duty of presenting material and relevant evidence of alleged violation(s) of this chapter at a hearing duly convened by the Board in accordance with § 145-26 of this chapter.

#### **§ 145-26 Enforcement.**

- A. Suspension, revocation and civil fines. Following a hearing as provided for herein, the Board shall have the power to revoke or suspend for such period as the Board may deem appropriate any license or registration card issued under the provisions of this chapter, and/or assess and impose civil fines as provided for herein, provided a majority of the Board is satisfied by substantial evidence that the person or the holder of such license, registration has violated a provision of this chapter, the rules and regulations of the Board, or any other law, regulation or ordinance applicable to the electrical trade.
- B. Procedure for suspension, revocation and/or imposition of civil fines.
  - (1) Notice of charges. Prior to revocation or suspension of a license, registration, and/or the assessment of any civil penalties as provided for herein, the holder thereof shall receive in writing, in the form of an appearance ticket, all of the particulars of the alleged violation. Such notice shall be forwarded to the alleged

violator by the License Enforcement Officer via registered or certificated mail, return receipt requested, at the address provided on such person's application for licensure, or to such other address as has been provided to the Board, and shall contain the following information:

- (a) The name and address of the alleged violator.
  - (b) The specific section(s) of this chapter alleged to have been violated.
  - (c) A statement of the facts and circumstances supporting the charge(s).
  - (d) The date, time and place where the alleged violator is summoned to appear before the Board for a hearing on the alleged violation.
  - (e) A statement advising the alleged violator that any answer to the charges must be filed with the Board within 10 days of his or her receipt thereof, as evidenced by the returned receipt of mailing.
  - (f) A statement of the possible penalties to be imposed in the event the charges are proven to the Board by substantial evidence.
  - (g) A statement advising the alleged violator that a default judgment will be entered against him or her in the event he or she fails to appear as directed.
  - (h) A statement advising the alleged violator that he or she has the right:
    - [1] To be represented by legal counsel (at his or her own expense).
    - [2] To testify, call witnesses and/or present evidence in his or her defense at the hearing.
  - (i) A statement advising the alleged violator that he or she could waive his or her right to a hearing and plead guilty to the charges via mail.
- (2) Hearing.
- (a) Timing. The hearing on any alleged violation of this chapter shall be held before the Board within 60 days of the date of the written notice provided for in Subsection (B)(1).
  - (b) Adjournments. Any requests for an adjournment must be made in writing and may be granted at the sole discretion of the Board.
  - (c) Record. A stenographic or recorded record of the hearing shall be made by the Board.
  - (d) Rules of evidence. Compliance with the technical rules of evidence shall not be required, but all evidence presented must be material and relevant as determined by the presiding officer.
  - (e) Presiding officer. The hearing shall be conducted by the Board and shall be presided over by the Chairman of the Board or, in his or her absence, the Vice-Chairman.
  - (f) Presentation of evidence in support of the charges. Evidence of the alleged violation shall be presented to the Board by the License Enforcement Officer, or his/her designee, who shall be subject to questioning/cross-examination by the alleged violator or his or her legal representative.
  - (g) Burden of proof. The charges contained in the notice shall be proven by substantial evidence.
  - (h) Findings of fact and decision. Within 30 days from the submission of all evidence and the close of the hearing, the Board shall issue a written decision on the charges, setting forth therein:
    - [1] Its findings of fact as determined by the evidence presented at the

hearing;

[2] Its decision regarding the alleged violator's guilt or innocence of the charges set forth in the notice of charges;

[3] A statement of the reasons supporting its decision;

[4] The penalty, if any, to be imposed, including any relevant effective date(s) or periods of duration as determined by the Board; and

[5] A statement regarding the right to challenge the Board's decision pursuant to Article 78 of the New York Civil Practice Law and Rules.

(i) Notice of decision. The Board shall immediately cause a written copy of its findings of fact and decision to be delivered to the alleged violator via registered or certified mail, return receipt requested.

(j) Judicial review. The decision of the Board shall be subject to judicial review in accordance with Article 78 of the New York Civil Practice Law and Rules.

C. Permissible penalties. In addition to its power to suspend or revoke a license, certification issued hereunder, or in lieu thereof, the Board, following a determination that the charges have been proven by substantial evidence, may impose the following additional penalties:

(1) Issuance of an official reprimand and warning letter, a copy of which shall be retained by the Board and considered in connection with future applications for licensure, certification and/or renewal.

(2) Impose a civil penalty in an amount authorized by resolution of the Putnam County Legislature, but not to exceed \$5,000 for each violation of this chapter.

(3) Restitution. To the extent a consumer has been materially damaged as a direct result of a violation of this chapter, the Board may issue an order of restitution, the amount of which shall be based upon sufficient and satisfactory evidence of such damage as presented to the Board by the aggrieved consumer.

D. Continuing violations. For each day that a violation continues, the same shall be deemed a separate and distinct violation of this chapter.

E. Litigation costs. In the event the County is required to institute legal proceedings to collect any portion of a fine or penalty imposed under this chapter, the County shall be entitled to recover from the licensee/certificate holder/applicant any and all associated costs thereof, including attorneys fees and interest on any unpaid fine or penalty calculated at the statutory rate.

F. To investigate alleged violations of Section 190-8(J) herein, the Director, or his duly authorized designee, shall be entitled to request and review records maintained by the holder of a license and/or certification which demonstrate their compliance with said Section 190-8(J). Upon the completion of an investigation, the Director shall have the power to forward his or her findings to the Board for the institution of proceedings pursuant to this Section. The determination of the Board shall be subject to judicial review in any court of competent jurisdiction.

#### **§ 145-27 Criminal penalties.**

A. In addition to any civil penalties that may be imposed pursuant to § 145-26 of this chapter, it shall be a Class A Misdemeanor, as defined in New York State Penal Law, punishable by a term of imprisonment not exceeding one year and a fine not exceeding \$1,000, to directly or indirectly engage in or work at the business of

master electrician or limited master electrician, as provided for herein, in the County of Putnam without the applicable license or registration or while his or her license or registration is suspended or revoked.

- B. This section shall be enforced by the Putnam County Sheriff's Department. Arrests made pursuant to this section shall be made by a police officer or a peace officer acting under his or her special duties.

#### **§ 145-28 Immunity.**

Nothing set forth in this chapter shall subject the County of Putnam, its officers, agents or employees, including the Board and the License Enforcement Officer, to any liability for damages arising out of or related to the conduct of any person licensed by the County of Putnam.

#### **§ 145-29 Insurance and bonding.**

- A. Prior to the issuance of any license, permit or renewal thereof, the applicant must provide the Board with the following proofs of insurance and/or bonding:
  - (1) A license and permit bond, in a form acceptable to the County of Putnam, in the amount of \$25,000 naming the County of Putnam as "obligee" and having a term of one year. The original copy of such bond must be presented to the Secretary at the time of application.
  - (2) Worker's compensation insurance for all employees or the appropriate "no employee" affidavit (Form CE 200).
  - (3) Commercial liability covering all operations and all locations involved in the licensee's business, in such types and amounts as required by the County of Putnam.
  - (4) Commercial automobile liability covering all operations and locations involved in the licensee's business, and including the following coverages (a) owned automobiles; (b) hired automobiles and (c) non-owned automobiles, in such amounts as required by the County of Putnam.
- B. The County of Putnam must be listed on each insurance certificate as a "certificate holder" and additional insured.
- C. All bonds and insurances must be kept in effect during the entire term of any license, permit or renewal thereof issued hereunder.
- D. Any licensed or registered contractor who has completed the appropriate "no employee" affidavit (Form CE 200) and is found in violation of the worker's compensation waiver shall be subjected to a civil penalty as provided for in this Chapter.

#### **§ 145-30 Provisions not subject to waiver.**

The provisions of this chapter are intended for the protection of an owner and shall not be subject to waiver by an owner in a home improvement contract otherwise.

**§ 145-31 Severability.**

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The County of Putnam hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

**§ 145-32 Repealer.**

All ordinances, local laws and parts thereof inconsistent with this chapter are hereby repealed; provided, however, that such repeal shall not affect or impair any act done or right accruing, accrued or acquired, or penalty, charge, liability, forfeiture or punishment incurred or owing prior to the time such repeal takes effect, but the same may be enjoyed, asserted, collected, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of any County of Putnam local law, ordinance or resolution so repealed, and pending immediately prior to the taking effect of such repeal, may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

Section 2. This local law shall take effect immediately.

**BY POLL VOTE: ALL AYES. CARRIED UNANIMOUSLY.**