

**RESOLUTION #195 Local Law #9
(September 5, 2017 Full Meeting)**

**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:

**Chapter 145
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 and license 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, cooling, power (including solar), 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 or plug in of ordinary electrical appliances and devices to existing electrical circuits, provided that no joining and/or splicing of electrical conductors is required.**
- C. The installation (excepting the installation of electrical feeds), 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 utility and/or corporation (as defined by the New York**

Transportation Corporations Law); nor to any work performed by such companies in connection with the installation, maintenance and/or repair of service connections, meters and other apparatus on a consumer's premises, provided that such apparatus remains the property of such company.

- G. Emergency repairs of wiring and/or electrical apparatus performed by a utility corporation necessary for the protection of life and/or property.
- H. Any work performed by a company for transmission of electronic data and information, excluding communication services up to their demarcation point, 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, radio broadcasting system, amplifiers, or any device that generates a signal, provided that 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 Board of Electrical Examiners for the County of Putnam as provided for by the provisions of 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 electrical work and low voltage/limited data communications.

COUNTY

All references to the "County" will be to the County of Putnam, unless otherwise indicated.

COUNTY EXECUTIVE

The County Executive of Putnam County.

DEMOLITION

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

DIRECTOR

The Director of the Putnam County Office of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

ELECTRICAL WORK

The installation, erection, alteration or repair of electrical wiring, apparatus, fixtures, devices or other equipment used or to be used for the transmission of electricity for electric light, heat, cooling, power (including solar), signaling, communication, alarm or data transmission.

FIXED MEMBERSHIP

A specific number of memberships established in the rules governing an organization. Specifically, the fixed membership of the Board of Electrical Examiners is nine (9).

HELPER ELECTRICIAN

A person who is registered in Putnam County while employed by and working under the supervision of a licensed master electrician or journeyman electrician in Putnam County.

JOURNEYMAN ELECTRICIAN

A person who has successfully completed an examination for licensure as a journeyman who works within the County and is employed by and works under the supervision of a licensed master electrician, with a minimum of 10,000 (ten thousand) hours of experience as a helper.

LEGISLATURE

The Putnam County Legislature.

LICENSING

A license issued by the Board to persons who have successfully completed an examination for master electrician, special electrician, low voltage/limited data communications technician and journeyman electrician as provided for by the provisions of this chapter.

LOW VOLTAGE/LIMITED DATA COMMUNICATIONS TECHNICIAN

Any person with a minimum of 8,000 (eight thousand) hours' experience who has successfully completed an examination for licensure in low voltage/limited data communications technician, who furnishes and/or installs, repairs, maintains or alters cabling systems for computer networking, telecommunications, Cable TV, intercom, audio/video, fiber optics, video surveillance systems and any other system operating at 90 (ninety) volts or less and a maximum of 5 (five) amperes where such work commences at an outlet receptacle or connection previously installed by a person holding the proper electrical license. For purposes of this definition, any master electrician is qualified to do the work of a low voltage/limited data communications technician.

LOW VOLTAGE NYS ALARM INSTALLER

Any person licensed by the State of New York as provided in Article 6-D of the New York State General Business Law installing fire and security systems along with associated equipment.

MASTER ELECTRICIAN

Any person who has successfully completed a minimum of ten thousand (10,000) hours' experience as a helper electrician and a minimum of five thousand (5,000) hours' experience as a Putnam County journeyman electrician, who has successfully passed an examination for licensure as a master electrician and who performs or supervises the installation, erection, extension, alteration and/or repair of electrical wiring, apparatus, fixtures, devices or other equipment utilized or designed for the utilization of electricity for light, heat, cooling, power (including solar) or signaling.

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 particular buildings or other structural facilities and whose employment consists solely of the work of a licensed master electrician as defined herein.

SUBSTANTIAL EVIDENCE

Evidence that a reasonable mind could accept as adequate to support a conclusion; evidence beyond a scintilla.

§ 145-5 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 Compliance Enforcement Officer(s) and any other employees of the Office of Consumer Affairs/Weights and Measures/Trades Licensing and Registration.

§ 145-6 Board of Electrical Examiners.

- A. Board established. There shall be a Board of Electrical Examiners ("Board") consisting of nine (9) members, each of whom shall be a resident of the County or own a business within the County. (See definition of "Fixed Membership" § 145-4)**
- B. The Board shall interview all candidates for Board membership and submit its recommendations with all candidates' résumés to the Legislature.**
- C. Board members shall be appointed by a majority vote of the 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 a representative group of people ranging from no experience to a master's level experience with the electrical trade or working as an electrician. At no time, shall the composition of the Board interfere with the viability of the Board to perform its duties and to adhere to its responsibilities. A representative group may include:**

(1) Master electricians, with Putnam County licensure

(2) Journeyman electricians, with Putnam County licensure

- (3) A general contractor who has been in business in Putnam County for a minimum of seven (7) years**
 - (4) A representative of New York State Gas & Electric (NYSEG), or any successor in interest thereof, or a representative of Central Hudson Gas & Electric (CHGE), or any successor in interest thereof or a representative of Con Edison, or any successor in interest thereof.**
 - (5) A low voltage/limited data communications technician**
 - (6) A citizen who has no experience with the electrical trade or working as an electrician**
 - (7) A current or former Building Inspector**
- 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 of the Office of Consumer Affairs, Weights and Measures and Trades Licensing.**
 - F. Chairperson and Vice Chairperson. The Board, by majority vote of the fixed Board, shall elect a Chairperson and Vice Chairperson, each of whom shall serve a one-year term.**
 - G. Quorum. A majority of the fixed membership of the Board shall constitute a quorum for the transaction of business. A quorum may be achieved by members attending in person or by Board-approved electronic means that allow for simultaneous visual and aural communication throughout the entire deliberative session.**
 - H. Vacancies. In the event of a vacancy on the Board, the Board shall send its recommendation to the Legislature and the remainder of the vacating member's term shall be filled by appointment by the Legislature.**
 - I. Removal. A Board member may be removed by majority vote of the Legislature for misconduct or malfeasance in office, incompetence, incapacity, neglect of duty, chronic absenteeism, or other good and sufficient cause.**

§ 145-7 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 rules and regulations established by the Board shall not supersede the provisions of this chapter. 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 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. [Amended 5-4-2010 by L.L. No. 9-2010]**

- B. Meetings.** The Board shall hold at least seven (7) meetings a year at the call of the Chairperson and at such other times as the Board may determine necessary or desirable for the efficient discharge of the business of the Board at the call of the Chairperson or upon written request by two (2) Board members. All members shall be provided with a minimum of one week's prior written or oral notice of a meeting or otherwise to the extent practicable at a reasonable time prior to the meeting.
- C. Minutes/voting records.** The Board shall keep minutes of its meetings and proceedings which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and shall include a record of the final vote of each member, including any abstentions (and the reason therefor) or absences.
- (1) Within two weeks from the date of such meeting, the Secretary shall provide the members of the Board with copies of the proposed minutes and shall make copies of such minutes available to the public. The minutes made available to the public shall be clearly identified as "draft" and/or "unapproved." Upon approval of the minutes pursuant to subsections (2) and (3) of this section, the Secretary shall replace any "draft" or "unapproved" minutes available for public inspection with a copy marked "approved."
- (2) The Board shall consider draft and/or unapproved minutes for approval at the next regular Board meeting.
- (3) Any mistakes, errors or omissions noted by the Board shall be corrected by the Secretary and the revised minutes shall again be considered by the Board.
- (4) Within thirty (30) days after approval by the Board, the minutes shall be filed with the Clerk of the Legislature.
- (5) The Office of Consumer Affairs shall retain all tape recordings for one (1) year.
- D. Records.** The Board shall maintain a record of all licenses and registrations issued, suspended or revoked under the provisions of this chapter in accordance with Putnam County's records retention and disposition policy.
- E. 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 shall 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 documentation and/or information relating to current or prior employment, qualifications and fitness, as set forth in § 145-9. [Amended 5-4-2010 by L.L. No. 9-2010]
- F. Licenses/registrations for master electrician, special electrician, low voltage/limited data communications technician, journeyman electrician and helper electrician.** Upon successful completion of the requisite examination(s) and upon the Board's satisfaction of the applicant's qualifications for the license and/or registration sought, the Board shall grant and issue periodic licenses/registrations for master electrician, special electrician, low voltage/limited data communications technician,

journeyman electrician and helper electrician. Licenses and registrations shall be signed by the Chairperson, or, in his/her absence, the Vice-Chairperson or the Director.

- G. **Complaints.** The Board shall have the power to hold hearings on charges of violations of this Code, to make formal findings of facts and to impose civil penalties and sanctions in accordance with the law. See § 145-22(C).
- H. **Subpoena power.** Pursuant to New York Civil Practice Law & Rules § 2302(a), 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.
- I. **Fees.** The Board shall have the power to collect fees or to cause fees to be collected for 1) the administration of examinations, 2) the issuance and/or renewal of licenses and/or registrations hereunder 3) application fees and 4) electrical inspection permit fees. Such fees shall be in accordance with fee schedules duly adopted by the Legislature.
- J. **Recommendations.** The Board shall make recommendations to the Legislature regarding any matter relating to the administration of this chapter, including proposed amendments thereto.
- K. **Suspension/revocation/civil penalties.** The Board shall have the power to suspend and/or revoke licenses and registrations issued hereunder and/or assess and impose civil penalties for cause as prescribed by the provisions of this chapter.
- L. **Experts/consultants.** 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.
- M. **Oaths.** The Chairperson of the Board or his/her designee shall be empowered to administer oaths.

§ 145-8 License/registration required.

- A. **No person shall engage in, carry on or conduct the business or trade of master electrician, low voltage/limited data communications technician, special electrician, journeyman electrician, or helper electrician within the County of Putnam unless duly licensed or registered in accordance with the provisions of this chapter. Building renovations and demolitions that involve electrical work require a licensed electrical contractor for all electrical 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, low voltage/limited data communications technician, special electrician, journeyman electrician or helper electrician 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. The Putnam County Electrical Board works in cooperation with Putnam County municipalities to ensure that all electrical work has been inspected for safety and is in compliance with the current Code.

§ 145-9 Application and examination procedure.

[Amended 5-4-2010 by L.L. No. 9-2010]

- A. **Written application.** Written applications for licensure or registration as a master electrician, special electrician, low voltage/limited data communications technician, journeyman electrician or helper electrician 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 applicant's name, residence address, business address, email address (if applicable), telephone numbers and trade names plus such additional information concerning his or her qualifications and history, including any criminal record, as the Board may request. Applicants shall include satisfactory evidence to demonstrate to the Board that they are competent electricians and qualified to perform electrical contracting, construction and/or installation work; have working knowledge of electricity, including the laws, properties and functions of electricity and electrical apparatus; practical working knowledge of the National Electric Code and all other applicable provisions of Ohm's Law pertaining to the installation, repair and maintenance of electrical wiring and apparatus. All applications shall be signed by the applicant, whose signature shall be notarized. 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 and owners thereof as of the date of application.
- B. **Proof of current and prior employment, qualifications and fitness for licensure.** All applicants must provide proof of experience by providing documentation and information relating to current and prior employment, qualifications, education and fitness for licensure. Proof of employment must include the name and address of the current/former employer, the length of time the applicant worked for the current/former employer and the type of work the applicant performed while working for the current/former employer. In addition, one or more of the following may be required for adequate proof of employment: (a) résumé, (b) a notarized letter from current/former employers itemizing residential and commercial experience, (c) work logs or (d) Social Security records.
- C. **Upon receipt of a complete application, including the Application Fee, for license testing, the Secretary shall forward a copy of the same to the Chairperson of the Board.**
- D. **Board review.** Upon receipt of an application to test for a license, the Board shall review such application to ascertain whether or not the applicant possesses the minimum qualifications necessary. At the discretion of the Chairperson, a committee of Board members could be convened to review and vote upon an individual's application before being sent to the full Board for final review and vote. Once an affirmative vote of a majority of the fixed Board has been made, the applicant shall be permitted to take the licensing examination.
- E. **Written examination.**
 - (1) Either the Board or an approved testing agency shall provide written examinations.

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 written notice of testing dates. Results of every examination administered under the provisions of this chapter shall be kept on file in accordance with the Putnam County's document retention policies.

- (2) **Passing grade.** Applicants must receive a grade of seventy-five percent (75%) or higher on the written examination to qualify for licensure. Applicants shall be notified of the results of their written examinations within thirty (30) business days after the date of the examination. Activation of licensure within one (1) year of passing the exam is required.
- (3) If, during the three (3) years after application approval, the applicant wishes to re-test, a Re-Application Fee must be submitted for each re-test. (see Fee Schedule) The fee for the examination itself is separately determined and handled by the testing entity.
- (4) If, after three (3) years from application approval, the applicant has not passed the examination, a new complete Application and Application Fee must be submitted to continue seeking licensure. (see Fee Schedule) The fee for the examination itself is separately determined and handled by the testing entity.

F. **Fees.** The fees for applications, licensing, renewal and other fees provided for under the provisions of this chapter shall be proposed by the Board and set by resolution of the Legislature. All fees collected under the provisions of this chapter are nonrefundable.

G. **Exceptions to testing requirements;** for possible examination waiver, please see § 145-16 Reciprocity.

H. **Child support obligations.** Under New York State General Obligations Law section 3-503, all applicants for a license or renewal license must complete a New York State Department of Labor Form GO 1 "Appendix to a License Application" regarding the applicant's child support obligations.

§ 145-10 Licensing and registration.

- A. **Initial issuance.** Upon approval of an application, successful examination and payment of the appropriate licensing fee, the Board shall issue a license/registration to the approved applicant, together with indicia of licensure or registration evidencing the same (which shall remain the property of the County of Putnam). Licenses/registrations shall be issued to individuals only.
- B. **Licensing/registration fees.** The amounts for licensing/registration and renewal fees shall be proposed by the Board and set by resolution of the Legislature. Such fee must be paid by the applicant prior to the issuance of a license/registration or renewal thereof by the Board. The fees for applications, licensing/registration, renewal and other fees provided for under the provisions of this chapter are nonrefundable.
- C. **All licenses/registrations shall be numbered in the order in which they are issued and shall contain such information as prescribed by the Board.**

D. Licensing and registration term.

- (1) Each master license and low voltage/limited data communications technician license issued hereunder shall expire on the next succeeding 31st day of December.**
- (2) Each journeyman electrician license shall be issued for a two-year period expiring on the second succeeding 30th day of September and shall be issued upon the payment of a two-year fee. Thereafter, such journeyman electrician license shall expire on the 30th day of September of the licensed term.**
- (3) All helper electrician registrations issued pursuant to the definition of "helper electrician" in § 145-4 of this chapter shall be issued upon payment of a two-year fee. Thereafter, each helper electrician registration card shall expire on the 30th day of September of the licensed term.**

E. Continuing education. Beginning in the year 2019, all new and renewal licenses shall be subject to the applicant submitting proof of having completed a continuing education course that has been approved by the Board. Since this is a new requirement, the Office of Consumer Affairs will provide up-to-date details with all its written communications to applicants, on its posted office information and on its website that will allow ample time for the applicant to comply.

F. Renewals. Applications for renewal of a license/registration duly issued under the provisions of this chapter shall be submitted to the Secretary of the Board on the form prescribed prior to the expiration date of the license/registration and shall be accompanied by the appropriate licensing/registration fee.

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/registration. In such event, before the Board may issue a renewal, the licensee/registrant must pay the appropriate late fee, as set by the Board and approved by the Legislature, in addition to the renewal licensing/registration fee.

H. Revocation of renewal privileges. Failure to renew a license issued under the provisions of this chapter within ninety (90) days after expiration thereof may result in the complete revocation of all renewal privileges hereunder. Any person desiring a license after such revocation of privileges may 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. 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 thirty (30) days from the date thereof. Failure to do so shall be deemed sufficient cause for 1) denying a new license, registration 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 and/or the

Compliance Enforcement Officer(s). Failure to do so shall constitute a violation of this chapter.

- (1) All licensed master electricians shall require all workers in his/her employ to carry a Putnam County master, journeyman or helper electrician identification at all times while on the job site. A violation of this section shall subject the licensed or registered employee to a civil penalty as provided for in this chapter.
 - (2) Should a licensed or registered employee be charged with a violation of § 145-10J(1) for not carrying identification, the licensed or registered employee shall have two County business days from the date of receipt of an appearance ticket to produce the worker's identification to the Office of Consumer Affairs to avoid a civil penalty.
- K. Military service exception. In the event a licensee/registrant is called to active duty in the United States military, his or her license shall be deemed "inactive status" 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 or registration shall be reactivated effective the day after the last date of active duty. Provided that active duty deployment was greater than thirty (30) days, the licensee/registrant will be credited for each day of active duty and the term of his/her license/registration shall be credited and all applicable fees will be prorated accordingly. This exception shall be retroactive to account for any deployment occurring after September 11, 2001.

§ 145-10-a Hiring, supervision and responsibility.

[Amended 5-4-2010 by L.L. No. 9-2010]

- A. No person who is licensed pursuant to this chapter shall hire any person to perform services of a journeyman electrician in Putnam County unless such person has obtained a journeyman electrician license pursuant to the requirements of this chapter.
- B. No person who is licensed pursuant to this chapter shall hire any person to perform services of a helper electrician in Putnam County unless such person has registered as a helper electrician under this chapter.
- C. No person who is licensed as a journeyman electrician may perform work within Putnam County unless such work is performed under the employment and supervision of a licensed master electrician.
- D. No person who is registered as a helper electrician may perform work within Putnam County unless such work is performed under the employment, direct supervision and control of a licensed master electrician or in the presence of a licensed journeyman.
- E. A licensed master electrician shall respond to the Board's requests for specific employment information regarding the licensed journeymen and registered helper electricians employed by the licensed master electrician. The licensed master electrician must provide the specific information requested by the Board within the specified time frame of such request.

- F. A violation of this section shall subject such person to civil penalties as provided for in this chapter, except that a master electrician shall be solely responsible for any and all unregistered or unlicensed employees.**
- G. 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 electrician, or a civilian, the unlicensed electrician shall be penalized.**

§ 145-10-b Suspension or revocation of license.

- A. The Board shall have the power to suspend or revoke any license/registration 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 that relates to health and safety; 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 the provisions 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 § 145-22.**
- 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 re-licensing/re-registration 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.**

§ 145-11 Prohibited acts.

[Amended 5-4-2010 by L.L. No. 9-2010]

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 material 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 licensure or registration, including a renewal or duplicate.**
- F. Making a false statement or providing false information when responding to the Board's request for information regarding licensed journeymen electricians and registered helper electricians employed or formerly employed by the licensed master electrician.**
- G. Demanding or receiving any payments prior to the signing of a contract for electrical work.**
- H. 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.**
- I. Violation of the building, sanitary and health laws of this state or of any political or municipal subdivision thereof.**
- J. Failure to notify the Board, in writing, of any change or control in ownership, management or business name or location.**
- K. Failure to adhere to any of the requirements as set forth in § 145-8 of this chapter.**
- L. Conducting an electrical business in any name other than the one in which the contractor is registered.**
- M. Failure to respond to the Board's request for information regarding the licensed journeymen electricians and registered helper electricians employed or formerly employed by the licensed master electrician.**
- N. Failure to comply with any order, demand or requirement made by the Director or Board pursuant to the various provisions of this chapter.**
- O. Failure to maintain the proper insurance, surety license and permit bond, as required by § 145-25 hereof.**
- P. Any fraud in recommending the installation, repair or replacement of any item the electrician knew or should have known was not required.**
- Q. Work which is not consistent with New York State building codes, local codes, reference 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 current 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 an electrical permit application with the Putnam County Office of Consumer Affairs prior to commencement of work. A violation of this section shall subject such person to civil penalties as provided for in this chapter. The only exception to this requirement is for any municipality within Putnam County that has opted out of the Inter-municipal Agreement with Putnam County for Residential and Commercial Electrical Inspections (IMA).

§ 145-14 Inspections.

The inspections made and the certificates of compliance issued by any Putnam County-approved electrical inspection agency or electrical inspector for any electrical installation within the County of Putnam shall be deemed by the Board as evidence of proper installation.

§ 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, and/or any copies, shall be surrendered to the Board at the time of application for transfer.**
- B. No holder of a master electrician license, special electrician license, low voltage/limited data communications technician license, journeyman electrician license or helper electrician 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 may be grounds for immediate revocation or suspension of license or registration in accordance with § 145-10-b 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/registant or the employer of a licensee/registant is not actually engaged in the performance of electrical work and secures the performance of electrical work by another person.**

§ 145-16 Reciprocity.

- A. The Board, with the approval of the County Executive, may waive the examination requirements and issue a master electrician's license to any person holding an equivalent current and valid license issued by other political subdivisions of the State of New York outside of Putnam County, provided that, in the judgment of the Board,**

the qualifications for such licenses by such other political subdivisions are substantially similar to those required by or permitted pursuant to this chapter. Furthermore, such political subdivision shall similarly issue a license without examination to an individual with such qualifications licensed in Putnam County, as evidenced by local law and/or resolution by such political subdivision. Both Putnam County and the political subdivision shall file these reciprocity agreements with their respective County or Town Clerk. All other requirements for licensure provided for by this chapter remain applicable to such persons. Such persons are subject to all provisions of this chapter.

- B. Licenses and registrations issued pursuant to this section may be renewed in accordance with the provisions of this chapter.
- C. All persons holding a reciprocal license issued under this section shall be subject to the provisions of this chapter.

§ 145-17 Unlicensed electricians.

- A. No person who has not qualified for and obtained a license or registration issued under the provisions of this chapter shall represent himself or herself to the public, or engage in the work of, a licensed electrician, licensed journeyman electrician, or registered helper electrician 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 Display and advertising.

- A. Each person issued a license or 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 master electrician 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 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. All Putnam County vehicle decals must be removed prior to the sale of such vehicle.
- F. Failure to comply in any manner with the provisions of this section shall be a violation of this chapter and shall subject the licensee and/or holder to the sanctions provided for herein.

§ 145-19 Shelving of master electrician and low voltage/limited data technician license. Upon written request by the master electrician or low voltage/limited data technician, a license may be shelved, subject to the following:

- A. Proof that any open electrical permit applications have been closed.**
- B. The granting of a request for shelved status shall not be deemed or otherwise considered a suspension of license.**
- C. Shelved status may be granted for a period of one year.**
- D. The period of shelved status shall commence upon expiration of the current year.**
- E. On or before December 31st of each year of shelved status, the licensee must submit a Shelving Affidavit.**
- F. A fee shall be assessed against the licensee during any period of approved shelved status.**
- G. Licensees can shelve in consecutive years for a maximum of five (5) years without Board approval. If the licensee wishes to extend shelving beyond five (5) years, the licensee must come before the Board to reapply for shelving and to provide a reason for continued shelving.**
- H. A licensee granted shelved status must complete, prior to renewal, any applicable continuing education that may be required during the period of time the license is shelved.**
- I. Upon reactivation, the licensee shall be required to complete a renewal application and pay the appropriate annual licensing fee regardless of the time remaining in the calendar year.**
- J. Any licensee of a shelved license found working in Putnam County shall be deemed unlicensed. He/she shall be subject to fines and penalties as provided for in this chapter.**

§ 145-19-a Shelving of license for electricians exclusively employed by a municipality.

- A. For purposes of this section, a licensed master electrician, as defined in this chapter, shall be eligible to shelve his/her license 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 by submitting the Shelving Affidavit and paying the required Shelving Fee. Upon shelving the licensee shall surrender his/her license and remove decals from his/her vehicle(s), prior to activation of such shelving status. In no way shall approval of shelved status hereunder be deemed a suspension under § 145-10-b above.**

- C. A fee shall be assessed against the licensee during any period of approved shelving. 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 prorated.

§ 145-20 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. Anyone performing work under such licensed master electrician must be a licensed journeyman electrician or a registered helper electrician.
- C. All such corporations, partnerships, limited partnerships or joint ventures must submit to the Board a certified copy of the applicable business certification as is on file with the Clerk of the County where such business entity maintains its principal place of business.
- D. Whenever a licensee who represents or is employed by an 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.

§ 145-21 Compliance Enforcement Officer.

- A. There shall be a Compliance Enforcement Officer(s) who shall report directly to the Director.
- B. Powers and duties. The Compliance 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 Compliance Enforcement Officer may conduct any independent investigation necessary to carry out the provisions of this chapter. Pursuant to this power, the Compliance Enforcement Officer may:
 - (a) 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 § 145-22 below.
 - (b) Subpoenas. The Compliance Enforcement Officer may make recommendations to the Board to subpoena the appearance of witnesses to a duly-held hearing and/or to

compel the production of any books, records or documents that he or she may deem material and relevant for the proper prosecution of a violation.

- (2) **Prosecutions.** The Compliance 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 § 145-22 of this chapter. The Compliance Enforcement Officer shall designate an alternate to make the presentation to the Board in his/her absence. Such designated alternate shall not be a currently serving member of the Board.

§ 145-22 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 issued under the provisions of this chapter, and/or assess and impose civil fines or penalties as provided for herein, provided that a majority of the Board is satisfied by substantial evidence that the person or the holder of such license or registration has violated a provision of this chapter or the rules and regulations of the Board.
- B. **Procedure for suspension, revocation and/or imposition of civil fines.**
 - (1) **Notice of charges.** Prior to revocation or suspension of a license or registration and/or the assessment of any civil penalties as provided for herein, the holder thereof shall receive in writing, a notice of charges that includes an appearance ticket and all of the particulars of the alleged violation. Such notice shall be sent to the alleged violator by the Compliance Enforcement Officer via registered or certified mail with return receipt requested in addition to regular first-class mail to the address provided 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) that includes the date and location of the violation;
 - (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 fifteen (15) days of his or her receipt thereof, as evidenced by the returned receipt of mailing or evidence of mail delivery recovered from the U.S. Postal Service website;
 - (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 could waive his or her right to a hearing and plead guilty to the charges via mail or in person at the Office of Consumer Affairs;

(i) 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); and

[2] To testify, call witnesses and/or present evidence in his or her defense at the hearing; and

[3] To request an adjournment for good cause. See “Adjournments” below.

(2) Hearing.

(a) Timing. The hearing on any alleged violation of this chapter shall be held before the Board within one hundred (100) 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. Any granted adjournment shall nullify the one hundred (100) day period of § 145-22(B)(2)(a).

(c) Record. A stenographic or audio recording 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 Chairperson of the Board or, in his or her absence, the Vice Chairperson or another Board member designated by the Chairperson or Vice Chairperson.

(f) Presentation of evidence in support of the charges. Evidence of the alleged violation shall be presented to the Board by the issuing Compliance 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 thirty (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 period(s) 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 with a 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. The Board, following a determination that the charges have been proven by substantial evidence, may impose the following 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 and/or renewal;**
 - (2) Imposition of 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) Revocation/suspension. The Board, in its judgment as to the seriousness of the charges, may suspend or revoke the electrical license or registration of any electrical license or registration holder who, at a duly called hearing, has been found guilty by substantial evidence. Additionally, the Board may suspend or revoke an electrical license or registration if the electrical license or registration holder has been convicted of a crime by a court of competent jurisdiction where there is a direct relationship between the crime and the specific license/registration sought; or if the issuance and/or holding of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or to the general public.**
- D. 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 attorney's fees and interest on any unpaid fine or penalty calculated at the statutory rate.**

§ 145-23 Criminal penalties.

The Board may refer any matter that it suspects may constitute a criminal offense to the Putnam County Sheriff's Office or to other appropriate law enforcement authority for further review..

- 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.**

§ 145-24 Immunity.

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

§ 145-25 Insurance and bonding.

[Amended 12-2-2014 by L.L. No. 12-2014]

- A. Prior to the issuance of any license, registration, permit or renewal thereof, the applicant must provide the Board with the following proofs of insurance and bonding information, as follows:**
- (1) A license and permit bond in the amount of \$25,000 (twenty-five thousand dollars);**
 - (2) Workers' compensation insurance for all employees or, if applicable, completion of Form CE 200 No Employee Affidavit; and**
 - (3) General liability insurance of at least \$1,000,000 (one million dollars) per occurrence and \$2,000,000 (two million dollars) in the aggregate;**
- B. All insurance policies shall contain a provision of continued liability and name Putnam County as an additional insured and certificate holder.**
- C. All bonds shall contain a provision identifying Putnam County as an obligee. Notwithstanding the foregoing, any payment issued on behalf of a claim for an aggrieved individual or company, shall be paid directly to said individual or company by the bond company.**

§ 145-26 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 an electrical work contract otherwise.

§ 145-27 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.

§ 145-28 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 upon filing with the New York Secretary of State.