



Legislation Details (With Text)

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Title: An ordinance repealing code provisions relating to electrical and elevator licenses issued by the city of Milwaukee.

Sponsors: ALD. BOHL

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Attachments: 1. State of Wisconsin Code Interpretation, 2. Hearing Notice List, 3. Notice Published on 3-17-16

Date	Ver.	Action By	Action	Result	Tally
2/9/2016	0	COMMON COUNCIL	ASSIGNED TO		
2/18/2016	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/18/2016	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/23/2016	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
3/1/2016	0	COMMON COUNCIL	PASSED	Pass	13:0
3/8/2016	0	MAYOR	SIGNED		
3/17/2016	0	CITY CLERK	PUBLISHED		

151597
ORIGINAL

ALD. BOHL
An ordinance repealing code provisions relating to electrical and elevator licenses issued by the city of Milwaukee.

- 200-33-11-o-2 am
- 200-33-11-x rp
- 200-33-12 rp
- 222-01 am
- 222-03 cr
- 222-1-2-a rp
- 222-1-2-b rp
- 222-1-2-c rp
- 222-1-2-d rp
- 222-1-2-e rp
- 222-1-2-f rn
- 222-1-2-g rn
- 222-8 am
- 222-10 am

222-11	rp
222-13-1	am
222-13-2-a	rc
222-13-2-b	am
222-13-2-c	am
222-13-2-d	am
222-13-3-a	am
222-13-5	rp
222-13-6	am
222-13-7-b-3	rc
222-15-2	rp
222-15-3	rn
222-15-4	rn
222-15-5	rn
222-16	am
222-50-1	am
222-52-1-0	am
222-52-2	am
222-53	am
222-54	am
222-56-1	rc

This ordinance repeals requirements for electrical and elevator licenses issued by the city. In lieu of licenses issued by the city, electrical and elevator licenses issued by the State of Wisconsin are required. For low-voltage electrical installations, no license is required.

Whereas, The State of Wisconsin broadly defines electrical equipment as including all electrical equipment used for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, as specified under the state electrical wiring code (s. 101.80(1m), Wis. Stats.); and

Whereas, The State of Wisconsin has determined that no person may install, repair, or maintain electrical wiring unless the person is licensed as an electrician by the Wisconsin Department of Safety and Professional Services (s. 101.862(2), Wis. Stats.); and

Whereas, The Wisconsin Department of Safety and Professional Services has directed that as of March 31, 2014, municipalities are no longer able to license electricians, and more recently has clarified that low-voltage wiring is included in the electrical code both by statute and administrative rule, and that as a result, municipalities cannot license for low-voltage or communication wiring installation, repair or maintenance; and

Whereas, The City of Milwaukee desires to comply with state law by repealing code provisions relating to electrical and elevator licenses issued by the City and, with respect to low-voltage electrical installations, by repealing license requirements; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 200-33-11-o-2 of the code is amended to read:

200-33. Fees.

11. ELECTRICAL INSTALLATIONS AND REPAIRS.

o-2. Luminaire repair: \$1 each. ~~[[See s. 222-13-5.]]~~

Part 2. Section 200-33-11-x of the code is repealed.

Part 3. Section 200-33-12 of the code is repealed.

Part 4. Section 222-01 of the code is amended to read:

222-01. Adoption of State Code. Except as otherwise provided in this chapter, the city of Milwaukee adopts ~~[[chs. Comm 16 and 18]]~~ >>chs. SPS 305, SPS 316 and SPS 318<<, Wis. Adm. Code, as amended, as part of this code.

Part 5. Section 222-03 of the code is created to read:

222-03. Definitions. In this chapter:

1. STATE-LICENSED ELECTRICIAN means a holder of a license issued by the state of Wisconsin as a licensed electrician.
2. STATE-LICENSED ELECTRICAL CONTRACTOR means a holder of a license issued by the state of Wisconsin as a licensed electrical contractor.
3. STATE-LICENSED ELEVATOR CONTRACTOR means a holder of a license issued by the state of Wisconsin as a licensed elevator contractor.
4. STATE-LICENSED ELEVATOR MECHANIC means a holder of a license issued by the state of Wisconsin as a licensed elevator mechanic.

Part 6. Section 222-1-2-a to e of the code is repealed.

Part 7. Section 222-1-2-f and g of the code is renumbered 222-1-2-a and b.

Part 8. Section 222-8 of the code is amended to read:

222-8. Complaints. Complaints on improper or defective electrical equipment shall be investigated and action shall be taken as regulated in ~~[[s. 222-20]]~~ >>ss. 222-19 and 222-20<<. Where complaints disclose inadequacy of electrical equipment, the commissioner shall notify the owner of the premises, in writing, to that effect.

Part 9. Section 222-10 of the code is amended to read:

222-10. Records. The commissioner ~~[[of city development]]~~ shall keep a record of all electrical permits and other electrical matters as regulated in s. 222-13.

Part 10. Section 222-11 of the code is repealed.

Part 11. Section 222-13-1 of the code is amended to read:

222-13. Permits. 1. PERMITS REQUIRED. Except as regulated in s. 222-1-2 ~~[[and subs. 4 and 5,]]~~ or exempted in s. 200-24-1.5, no electrical equipment shall be installed, altered, renewed, replaced or connected without first procuring a permit.

Part 12. Section 222-13-2-a of the code is repealed and recreated to read:

2. APPLICATIONS FOR PERMIT.

a. Any state-licensed electrical contractor, state-licensed elevator contractor or person who is exempt from licensing under s. 101.862(4), Wis. Stats., desiring a permit as required by this chapter shall file with the commissioner an application for a permit in writing on a form furnished for this purpose. In addition:

a-1. The department may allow any state-licensed electrical contractor to obtain a permit from within the scope of the contractor's license class. A state-licensed electrical contractor shall provide a copy of his or her state electrical contractor license and a copy of the license of the master electrician who is taking full responsibility for all work to be carried out under the permit. The applicant shall provide all necessary contact information on a form that is provided by the department. The permit application shall be signed by the supervising master electrician of the applicant's business.

a-2. The department may allow any state-licensed elevator contractor to obtain a permit from within the scope of the contractor's license class. A state-licensed elevator contractor shall provide a copy of his or her state elevator contractor license and a copy of the license of the elevator mechanic who is taking full responsibility for all work to be carried out under the permit. The applicant shall provide all necessary contact information on a form that is provided by the department. The permit application shall be signed by the supervising elevator mechanic of the applicant's business.

a-3. The following shall be exempt from licensing under s. 101.862(4), Wis. Stats.

a-3-a. Low-voltage Fire Alarm Permit. The commissioner shall review and approve or disapprove the permit application. If the permit application is approved, the commissioner shall issue a Type LF low-voltage (100 volts or less) fire alarm permit, permitting the applicant to install, alter, repair, remove, renew, replace, disturb, connect, disconnect or maintain any low-voltage electrical equipment associated with a fire alarm system and accept payment for any of these activities. The applicant shall provide all necessary contact information on a form that is provided by the department of neighborhood services.

a-3-b. Low-voltage Burglar and Security Alarm Permit. The commissioner shall review and approve or disapprove the permit application. If the permit application is approved, the commissioner shall issue a Type LB low-voltage (100 volts or less) burglar and security alarm permit, permitting the applicant to install, alter, repair, remove, renew, replace, disturb, connect, disconnect or maintain any low-voltage electrical equipment associated with a burglar and security alarm system and accept payment for any of these activities. The applicant shall provide all necessary contact information on a form that is provided by the department.

a-3-c. Other Low-voltage Permit. The commissioner shall review and approve or disapprove the permit application. If the permit application is approved, the commissioner shall issue a Type LV low-voltage (100 volts or less) permit, permitting the applicant to install, alter, repair, remove, renew, replace, disturb, connect, disconnect or maintain any low-voltage electrical equipment associated with any system other than those described in subpars. a and b and accept payment for any of these activities. The applicant shall provide all necessary contact information on a form that is provided by the department.

a-3-d. Other Exemptions. The commissioner shall review and approve or disapprove the permit application. If the permit application is approved, the commissioner shall issue a permit, permitting the applicant to install, alter, repair, remove, renew, replace, disturb, connect, disconnect or maintain any low-voltage electrical equipment as regulated in s. 101.862(4), Wis. Stats. The applicant shall provide all necessary contact information on a form that is provided by the department.

Part 13. Section 222-13-2-b to d of the code is amended to read:

2. APPLICATIONS FOR PERMIT.

b. ~~[[Such]]~~ >>A permit<< application shall describe and enumerate the electrical equipment to be installed and shall give other reasonable information as may be required by the commissioner ~~[[of city development]]~~.

c. At the time of an issuance of a permit, the commissioner ~~[[of city development]]~~ may require the manufacturer, owner, installer or user of electrical equipment to submit plans (drawings), data, and specifications, schedules or literature, information, materials, samples or tests as may be necessary to determine the fitness of equipment for safe installation and use.

d. The approval of general building plans and specifications by the commissioner ~~[[of city development]]~~ shall not be considered as including electrical plans or specifications or electrical equipment.

Part 14. Section 222-13-3-a of the code is amended to read:

3. ISSUANCE OF PERMIT. a. If upon examination it is found that the information on the application is complete, the commissioner ~~[[of city development]]~~ shall issue a permit; provided that the licensee >>or applicant exempt from licensing under s. 222-13-2-a-3,<< agrees and expressly states that he >>or she<< is fully capable, and in possession of knowledge and ability to design, lay out, install, alter or replace the work designated in the application in accordance with this chapter, and with all other laws and ordinances pertinent thereto, and will install electrical equipment as described in the application for permit in a safe, legal and workmanlike manner.

Part 15. Section 222-13-5 of the code is repealed.

Part 16. Section 222-13-6 of the code is amended to read:

6. WORK WITHOUT PERMIT. When any work is begun on the installation, alteration, or replacement of any electrical equipment without first obtaining a permit therefor, except as provided in ~~[[sub. 4]]~~ >>s. 222-1-2 or exempted in s. 200-24-1.5<<, the commissioner shall have the power and authority to disconnect or order the disconnection immediately of any such equipment and to stop such work until a permit has been procured.

Part 17. Section 222-13-7-b-3 of the code is repealed and recreated to read:

7. NO PERMITS TO VIOLATORS.

b-3. Information provided on a contractor's contact form, state license or certification is no longer valid and the contractor failed to notify the department by providing an updated copy of state license or certification or updated contact form.

Part 18. Section 222-15-2 of the code is repealed.

Part 19. Section 222-15-3 to 5 of the code is renumbered 222-15-2 to 4.

Part 20. Section 222-16 of the code is amended to read:

222-16. Connections to Installations. It shall be unlawful for any person to make any connection from any source or supply of electricity, or to supply electricity to any electrical equipment for which a permit is required, or which has been disconnected or ordered disconnected by the commissioner, until a certificate of authorization has been issued by the commissioner ~~[[of city development]]~~ authorizing the connection and use of such equipment.

Part 21. Section 222-50-1 of the code is amended to read:

222-50. Scope. 1. Regulations contained in this subchapter with respect to elevators, power dumbwaiters, material handling elevators, moving walks and ramps, personnel hoists, and escalators are deemed supplemental to ch. SPS 318, Wis. Adm. Code. Plans required in subch. III, ch. SPS 318, Wis. Adm. Code, shall be submitted to the commissioner ~~[[of city development]]~~ instead of the Wisconsin department of safety and professional services together with 3 copies of the permit application.

Part 22. Section 222-52-1-0 of the code is amended to read:

222-52. Construction Permits. 1. PERMIT REQUIRED. Except as regulated in ~~[[subs. 1 to 3]]~~ >> pars. a and b,<< no person shall install, alter, repair or replace any elevator or other device regulated in s. SPS 318.1002, Wis. Adm. Code, without first obtaining a permit therefor and paying the fees as prescribed in s. 200-33.

Part 23. Section 222-52-2 of the code is amended to read:

2. APPLICATION FOR PERMIT. An application for permit shall be filed with the commissioner ~~[[of city development]]~~ on a form furnished for such purpose for each elevator, moving stairway (escalator), dumbwaiter or other device regulated in this subchapter. Such application shall describe the installation, alteration, repair or replacement work to be done and shall give the separate cost for each elevator, moving stairway (escalator), dumbwaiter or other device.

Part 24. Section 222-53 of the code is amended to read:

222-53. Plans and Specifications. 1. At the time of a filing of an application for a construction permit the commissioner ~~[[of city development]]~~ shall require the manufacturer, owner, installer or user of any elevator or other device regulated in this subchapter to submit plans (drawings) in triplicate, data and specifications, schedules, or literature, information or tests as may be necessary to determine the fitness of equipment for the safe installation and use.

2. The approval of general building plans and specifications by the commissioner ~~[[of city development]]~~ shall not be considered as including approval of the installation of any elevator or other device regulated in this subchapter.

Part 25. Section 222-54 of the code is amended to read:

222-54. Safety Tests and Tags. A tag shall be fastened to the governor releasing carrier upon completion of a satisfactory test of the car safety device and speed governor. Reports of tests as specified in ch. SPS 318, Wis. Adm. Code, shall also be submitted to the department ~~[[of city development]]~~.

Part 26. Section 222-56-1 of the code is repealed and recreated to read:

222-56. Elevator-Electrical Installation by Licensed Contractor. 1. No person shall engage in electrical work in connection with elevators unless the person is a state-licensed elevator mechanic doing work for a state-licensed elevator contractor or a state-licensed electrician working for a state-licensed electrical contractor.

..LRB
APPROVED AS TO FORM

Legislative Reference Bureau
Date: _____
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____

LRB162815-01
Dana J. Zelazny
2/11/2016