

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF SAN ANSELMO REGULATING THE SALE OR DISPOSAL OF ELECTRICAL MATERIALS, DEVICES AND APPLIANCES.

The City Council of the town of San Anselmo does ordain, as follows:

Section 1. SCOPE: From and after the effective date of this ordinance, no person, firm or corporation shall sell, offer for sale, loan, rent, dispose of by gift or premium, give or otherwise furnish, provide or make available for use any electrical material, device or appliance, designed or intended for attachment, directly or indirectly to any electrical system, circuit or electrical service for light, heat or power in the town of San Anselmo unless such electrical material, device or appliance complies with the provisions of this ordinance.

Section 2. RATING: All electrical materials, devices and appliances designed or intended for attachment, directly or indirectly to any electrical system, circuit or electrical service for light, heat or power shall be only those which conform with the requirements of this ordinance and of rules and regulations adopted pursuant hereto. Each such article shall bear or contain the maker's name, trademark or identification symbol, together with such rating by the manufacturer as may be necessary to determine the intended use. The correct operating volts and amperes or volts and watts shall be stated and no person, firm or corporation shall remove, alter, deface or obliterate any such marking.

Section 3. ADOPTION OF STANDARDS: All electrical materials, devices and appliances covered by and intended to be regulated by this ordinance shall conform with the code of safety standards for such materials, devices and appliances hereby adopted and approved, entitled "Code of Standards for Electrical Materials, Devices and Appliances in the Town of San Anselmo" which code is hereby adopted by reference as though herein set out in full. Three copies of such code are on file for use and examination by the public in the office of the City Clerk of said Town.

Section 4. DECLARATION OF LEGISLATIVE POLICY AS TO SAFETY STANDARDS: The City Council hereby declares that the national safety standards for such materials, devices and appliances on file in the office of the United States Bureau of Standards are the minimum standards, required to provide an adequate degree of safety to life and property in said

Town, and further declares that it has incorporated said national safety standards in its "Code of Standards for Electrical Materials, Devices and Appliances in the Town of San Anselmo."

The City Council hereby declares that there is need for uniformity between national safety standards and local standards and that it is one of the objects of this ordinance that as technological progress and refinement are made in national safety standards that similar progress and refinements be made in local safety standards, and to that end the City Council hereby declares that it is necessary that certain administrative rule making power be vested in the Chief Electrical Inspector of the Town in order to carry out the intent and purpose of this ordinance and to provide the Town and its inhabitants with the degree of safety required to adequately safeguard life and property in said Town.

Section 5. ADMINISTRATIVE POWERS OF THE CHIEF ELECTRICAL INSPECTOR: Whenever the Chief Electrical Inspector of the Town shall determine that there is a lack of uniformity between the national safety standards on file in the office of the United States Bureau of Standards and the code of standards adopted by this ordinance, and as and when refinements are made in the national safety standards which have not been incorporated as a part of the code of standards hereby adopted, the Chief Electrical Inspector of the Town is hereby empowered to adopt and promulgate such rules and regulations as he shall deem necessary to bring such code of standards into harmony with the national safety standards. Before any rule or regulation may be adopted hereunder, the proposed rule or regulation, in writing, dated and signed by such officer, shall be filed with the said "Code of Standards for Electrical Materials, Devices and Appliances in the Town of San Anselmo" hereby adopted. Three copies of such rule or regulation shall be filed with the three copies of the said code on file in the office of the City Clerk. Such copies shall be available for use and examination by the public. Thereupon and thereafter such rule or regulation shall have full force and effect as though originally set forth in the code of standards hereby adopted.

Section 6. EVIDENCE OF COMPLIANCE: Listing or labeling of materials, devices and appliances by the Underwriters Laboratories, Inc. or other testing laboratory approved by the Chief Electrical Inspector as complying with standards on file with the United States

Bureau of Standards may be accepted by the Chief Electrical Inspector as prima facie evidence of the conformity of such materials, devices and appliances with corresponding provisions of the code of standards of said Town or of corresponding rules and regulations adopted hereunder.

Section 7. WHERE NO STANDARDS HAVE BEEN PROVIDED FOR: Where no standards have been adopted for any such materials, devices or appliances, the Chief Electrical Inspector may require that such materials, devices or appliances be submitted to a testing laboratory or laboratories deemed qualified by him for testing same. Upon receipt of a report from such laboratory or laboratories, he may designate a standard for each such article submitted and tested, which designation shall be in writing and shall be adopted and promulgated as a rule or regulation in the manner herein provided. Any such standards so prescribed shall be designed to provide as a minimum the degree of safety to life and property as is required by the standards hereby adopted for materials, devices or appliances of similar or related character or nature.

Section 8. REVOCATION OF APPROVAL: Any approval granted by the Chief Electrical Inspector may be revoked by him if the electrical materials, devices or appliances are found to be hazardous to life and property for the purpose used or intended, or do not conform with the standards under which they were approved for use. Before any approval may be withdrawn, the Chief Electrical Inspector shall give notice in writing to the person to whom approval was granted of his intention to withdraw approval and shall afford such person an opportunity to be heard with respect thereto at a public hearing to be held thereon. In the event that approval is withdrawn or modified by the Chief Electrical Inspector after such hearing, any person aggrieved thereby may appeal from the ruling of the Chief Electrical Inspector to the City Council in the manner provided in this ordinance for the consideration by the Council of appeals.

Section 9. EXCEPTIONS: MATERIALS OTHERWISE COVERED: The provisions of this ordinance shall not apply to electrical materials, devices and appliances which are the subject matter of regulation in Town building and wiring ordinances heretofore adopted and in effect as of the date hereof.

Section 10. EXCEPTIONS: VEHICLES: The provisions of this ordinance shall not apply to motor

vehicles or to motor vehicle equipment.

Section 11. EXCEPTIONS: LOW VOLTAGE DEVICES: The provisions of this ordinance shall not apply to electrical materials, devices or appliances designed or intended for attachment directly or indirectly to any electrical system, circuit or electrical service for light, heat or power operating at a primary voltage of not more than 25 volts or consuming less than 50 watts.

Section 12. EXCEPTIONS: SPECIAL APPLIANCES: The provisions of this ordinance shall not apply to those industrial or commercial appliances which are to be used in a specific location and which have been submitted to a laboratory for approval to determine their conformity with the standards herein provided for but with respect to which final approval by such laboratory is still pending, providing that an exception is applied for and granted in the manner herein prescribed. The person desiring to make such installation shall submit an application in writing for such exception to the Chief Electrical Inspector accompanied by written evidence satisfactory to such Inspector indicating that laboratory approval has been applied for. Such exception if granted by the Chief Electrical Inspector shall continue in force only during such time as such inspector believes that the testing laboratory will grant final approval certifying compliance to the prescribed standards. If for any reason the Chief Electrical Inspector believes that the testing laboratory has not made an adequate test of materials, devices or appliances, he may require that the same shall be submitted to some other laboratory, approved by him, for further tests.

Section 13. EXCEPTIONS: GENERATING DEVICES: The provisions of this ordinance shall not apply to electrical materials, devices and appliances installed by or for an electric utility for its use in the generation, transmission, distribution or metering of electrical energy.

Section 14. USED OR SECOND HAND DEVICES: In the rebuilding or repair of any such electrical materials, devices or appliances all parts replaced or repaired shall conform in all particulars with the code of standards and rules or regulations hereby provided for.

Section 15. ENFORCEMENT: The Chief Electrical Inspector is hereby directed to enforce the provisions of this ordinance. He is hereby authorized to delegate any of his powers under this ordinance to any of his assistants, with the sole exception of the power to

adopt and promulgate rules and regulations which power may not be delegated by him.

Section 16. LIABILITY FOR DAMAGES: This ordinance shall not be construed as relieving or limiting in any way the responsibility or liability of any person owning and operating, controlling or installing any electrical materials, devices or appliances for personal injury or property damage resulting from the use thereof by reason of any defect therein or for any other cause, nor shall it be construed as imposing upon the Town or its officers or employees of any responsibility or liability by reason of the approval of any materials, devices or appliances under the provisions of this ordinance.

Section 17. APPEALS: In the event that any person believes that unreasonable restrictions or unnecessary and extraordinary hardship or damage will be imposed upon him by the enforcement of any of the provisions of this ordinance or by the application of any of the standards hereby adopted or by the adoption or application of any rules or regulations by the Chief Electrical Inspector, or from any rulings or determinations of such Inspector, such person may appeal therefrom to the City Council in writing and request a public hearing thereon by the City Council.

In the event of such appeal, the City Council shall fix a time and place for a public hearing thereon and shall give notice thereof in writing to the person requesting such hearing by mail, postage prepaid to the address shown in such request, and shall also give notice thereof to the Chief Electrical Inspector. At the time fixed for such hearing or at any later time to which such hearing may be adjourned, the City Council shall proceed to hear the testimony of the appellant and of others in his behalf and of the Chief Electrical Inspector and others in his behalf and of other competent persons who may be present and desire to testify or who may be called by the City Council to give testimony at such hearing. Upon the conclusion of said hearing, said City Council shall by resolution declare its findings and decision in the matter. If it finds that unreasonable restrictions or unnecessary and extraordinary hardship or damage will be imposed upon the appellant, then it may grant an exception or variance from the application in whole or in part of such provisions of this ordinance or of such standards, rules and regulations, rulings or determinations, or it may modify, rescind or otherwise alter such standards,

rules and regulations, rulings or determinations, provided that in granting such an exception or variance or in taking such other action as it may deem justified, it may do so only in the event that such action may be taken in harmony with the general purposes and objectives of this ordinance to preserve the public health, safety and welfare. The decision of the City Council rendered after a hearing held in the manner prescribed herein shall be final and conclusive.

Section 18. PENALTY: Any person, firm or corporation, or any partner, officer, agent or employee thereof, violating any of the provisions of this ordinance or of the "Code of Standards for Electrical Materials, Devices and Appliances in the Town of San Anselmo" hereby adopted, or of any rule or regulation adopted pursuant hereto, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300.00), or by imprisonment in the city jail of said Town or in the county jail of Marin County, as the committing magistrate may direct, for a period of not more than three (3) months, or by both such fine and imprisonment.

Section 19. SEVERABILITY: If any provision of this ordinance, or the application thereof, to any person or circumstances, is held invalid, the remainder of the ordinance, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 20. This ordinance shall be published once in full in the San Anselmo Herald, a newspaper of general circulation, printed, published and circulated in the town of San Anselmo, and shall be in full force and effect 30 days from and after final passage.

The foregoing ordinance was duly and regularly introduced at an adjourned regular meeting of the City Council of the Town of San Anselmo, held in said Town on the 14th day of October, 1943, and was thereafter at a regular meeting of the City Council of the Town of San Anselmo, held in said Town on the 9th day of November, 1943, duly passed and adopted by the following vote:

AYES: Councilmen Smith, von Rotz, Monte, Linch.

NOES: None.

ABSENT: Councilman Mason.

Walter Linch
Mayor, Town of San Anselmo.

Attest:

Raymond A. Erickson
Clerk, Town of San Anselmo