

# Solar Photovoltaic System/Montgomery Code: Maryland Appellate Court Addresses Scope of the Term Electrical Equipment



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

05/05/2020

The Circuit Court for Montgomery County, Maryland (“Appellate Court”) in an April 30th opinion reviewed a licensing issue related to the installation of a solar energy photovoltaic system. See *Carter v. Montgomery County*, 2020 WL 2089678.

The question addressed was whether a photovoltaic system constitutes “electrical equipment” within the meaning of Montgomery County Code (“Code”) § 17-18(b).

Christopher Carter filed an application with the Montgomery County Department of Permitting Services (“DPS”) seeking a permit to self-install a solar photovoltaic system (“System”) on his residential property. DPS denied the permit application. The denial was based on the failure to obtain a signature by a master electrician. The Montgomery County Board of Appeals (“Board”) upheld the denial.

Carter filed a petition for judicial review in the Circuit Court for Montgomery County (“Circuit Court”). The Circuit Court affirmed the Board’s decision.

The Appellate Court noted that Chapter 17 of the Code entitled “Electricity” applies to:

. . . all electrical equipment and the installation thereof for light, heat or power within or on public or private buildings, structures or premises.

A permit is noted to be required for the installation of any electrical equipment that is subject to this portion of the Code. Also, permit applications are stated to be required to be signed by a master electrician or a master electrician limited (subject to limited exceptions).

An exception is provided if the permit is signed by a homeowner pursuant to § 17-18(b). It allows a homeowner who is not a licensed electrician to install, repair or maintain “electrical equipment” in their home” . . . .

Therefore, the question was whether the System constituted “electrical equipment” for purposes of this section. As noted, the Code defines electrical equipment in § 17-11 as follows:

The term “electrical equipment” shall include electrical conductors, raceways, wiring fittings, devices, appliances, fixtures, apparatus, and any other equipment coming within the purview of the electrical code of the County.

Carter argues that the System is included in the definition of “electrical equipment” because:

1. the definition includes the phrase “any other equipment coming within the purview of the electrical code of the County; and
2. Article 690 of the National Electric Code, which relates specifically to photovoltaic systems, employs the term “equipment” to refer to various components of a PV system.

The County responded that the electrical Code does not include photovoltaic systems within the term “electrical equipment.”

The Appellate Court notes that if an administrative agency has reached its interpretation through a sound reasoning process, it will be accorded the persuasiveness due a well-considered opinion of an expert body. It determined that DPS focused on the relevant statutory issue (i.e., the definition of electrical equipment) and employed a sound reasoning process in explaining how and why the electrical code limits the electrical equipment that a homeowner may install, without possessing an electrician’s license, to energy-consuming items.

As a result, it concluded that the Board did not commit error in determining that, because the System is not “electrical equipment” within the meaning of the Code, DPS properly denied the permit application.

While Carter’s argument identified at least some ambiguity, the Appellate Court believes considerable weight should be afforded to DPS’ interpretation of the electrical code, which it enforces.

A copy of the Opinion can be downloaded [here](#).