

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1410

Short Title: Building Code Exclusion/Hot Water Heaters. (Public)

Sponsors: Representatives Justice, Johnson, Justus, Brisson (Primary Sponsors);  
Cleveland, Langdon, Lucas, McComas, McElraft, and Starnes.

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, State  
Government/State Personnel.

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO EXEMPT WATER HEATER REPLACEMENT IN RESIDENCES FROM  
BUILDING PERMITTING REQUIREMENTS WHEN THE HEATER IS OF THE SAME  
SIZE AND CAPACITY AND IS IN THE SAME LOCATION WITH RESPECT TO THE  
EXISTING WATER PIPING.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-357 reads as rewritten:

**"§ 153A-357. Permits.**

(a) No person may commence or proceed with any of the following without first securing from the inspection department with jurisdiction over the site of the work each permit required by the State Building Code and any other State or local law or local ordinance or regulation applicable to the work:

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any ~~building;~~ building.
- (2) The installation, extension, or general repair of any plumbing ~~system;~~ system except that in any one- or two-family dwelling unit, a permit shall not be required for the connection of existing water piping to a water heater that is being replaced, provided that the replacement is in the same location and is of the same size and capacity as the original and provided that the original installation met the version of the State Building Code in effect at the time of installation.
- (3) The installation, extension, alteration, or general repair of any heating or cooling equipment ~~system;~~ or system.
- (4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment except that in any one- or two-family dwelling unit, a permit shall not be required for the connection of an existing branch circuit to a water heater that is being replaced, provided that the replacement is placed in the same location and is of the same size, capacity, and electrical rating as the original and provided that the original installation met the version of the State Building Code in effect at the time of installation.

~~without first securing from the inspection department with jurisdiction over the site of the work each permit required by the State Building Code and any other State or local law or local ordinance or regulation applicable to the work.~~ A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable



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1 State and local laws and local ordinances and regulations. Nothing in this section shall require a  
2 county to review and approve residential building plans submitted to the county pursuant to  
3 Section R-110 of Volume VII of the North Carolina State Building Code; provided that the  
4 county may review and approve such residential building plans as it deems necessary. No  
5 permit may be issued unless the plans and specifications are identified by the name and address  
6 of the author thereof; and if the General Statutes of North Carolina require that plans for certain  
7 types of work be prepared only by a registered architect or registered engineer, no permit may  
8 be issued unless the plans and specifications bear the North Carolina seal of a registered  
9 architect or of a registered engineer. If a provision of the General Statutes of North Carolina or  
10 of any ordinance requires that work be done by a licensed specialty contractor of any kind, no  
11 permit for the work may be issued unless the work is to be performed by such a duly licensed  
12 contractor. No permit issued under Articles 9 or 9C of G.S. Chapter 143 shall be required for  
13 any construction, installation, repair, replacement, or alteration costing five thousand dollars  
14 (\$5,000) or less in any single-family residence or farm building unless the work involves: the  
15 addition, repair or replacement of load bearing structures; the addition (excluding replacement  
16 of same size and capacity) or change in the design of plumbing; the addition, replacement or  
17 change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or  
18 equipment; the use of materials not permitted by the North Carolina Uniform Residential  
19 Building Code; or the addition (excluding replacement of like grade of fire resistance) of  
20 roofing. Violation of this section constitutes a Class 1 misdemeanor.

21 ...."

22 **SECTION 2.** G.S. 160A-417 reads as rewritten:

23 **"§ 160A-417. Permits.**

24 (a) No person shall commence or proceed ~~with~~with any of the following without first  
25 securing from the inspection department with jurisdiction over the site of the work any and all  
26 permits required by the State Building Code and any other State or local laws applicable to the  
27 work:

- 28 (1) The construction, reconstruction, alteration, repair, movement to another  
29 site, removal, or demolition of any building or ~~structure~~structure.
- 30 (2) The installation, extension, or general repair of any plumbing ~~system~~,  
31 system, except that in any one- or two-family dwelling unit, a permit shall  
32 not be required for the connection of existing water piping to a water heater  
33 that is being replaced, provided that the replacement is in the same location  
34 and is of the same size and capacity as the original and provided that the  
35 original installation met the version of the State Building Code in effect at  
36 the time of installation.
- 37 (3) The installation, extension, alteration, or general repair of any heating or  
38 cooling equipment ~~system, or~~system.
- 39 (4) The installation, extension, alteration, or general repair of any electrical  
40 wiring, devices, appliances, or equipment, except that in any one- or two-  
41 family dwelling unit, a permit shall not be required for the connection of an  
42 existing branch circuit to a water heater that is being replaced, provided that  
43 the replacement is placed in the same location and is of the same size,  
44 capacity, and electrical rating as the original and provided that the original  
45 installation met the version of the State Building Code in effect at the time of  
46 installation.

47 ~~without first securing from the inspection department with jurisdiction over the site of the work~~  
48 ~~any and all permits required by the State Building Code and any other State or local laws~~  
49 ~~applicable to the work.~~ A permit shall be in writing and shall contain a provision that the work  
50 done shall comply with the State Building Code and all other applicable State and local laws.  
51 Nothing in this section shall require a city to review and approve residential building plans

1 submitted to the city pursuant to Section R-110 of Volume VII of the North Carolina State  
2 Building Code; provided that the city may review and approve such residential building plans  
3 as it deems necessary. No permits shall be issued unless the plans and specifications are  
4 identified by the name and address of the author thereof, and if the General Statutes of North  
5 Carolina require that plans for certain types of work be prepared only by a registered architect  
6 or registered engineer, no permit shall be issued unless the plans and specifications bear the  
7 North Carolina seal of a registered architect or of a registered engineer. When any provision of  
8 the General Statutes of North Carolina or of any ordinance requires that work be done by a  
9 licensed specialty contractor of any kind, no permit for the work shall be issued unless the work  
10 is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C  
11 of Chapter 143 shall be required for any construction, installation, repair, replacement, or  
12 alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm  
13 building unless the work involves: the addition, repair or replacement of load bearing  
14 structures; the addition (excluding replacement of same size and capacity) or change in the  
15 design of plumbing; the addition, replacement or change in the design of heating, air  
16 conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not  
17 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding  
18 replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute  
19 a Class 1 misdemeanor.

20 ...."

21 **SECTION 3.** This act becomes effective October 1, 2009.