

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40149-MH-49 (02/14)

Short Title: Building Code Regulatory Reform. (Public)

Sponsors: Representatives Brody, Riddell, Potts, and R. Moore (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES AND CLARIFICATIONS TO THE STATUTES
GOVERNING THE CREATION AND ENFORCEMENT OF BUILDING CODES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 153A-352(b) reads as rewritten:

"(b) Except as provided in G.S. 153A-364, a county may not adopt a new local ordinance or resolution or any other policy or enforce an existing local ordinance, resolution, or policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council. The North Carolina Building Code Council shall review all applications for additional inspections requested by a county and shall, in a reasonable manner, approve or disapprove the additional inspections. This subsection does not limit the authority of the county to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 1.(b) G.S. 160A-412(b) reads as rewritten:

"(b) Except as provided in G.S. 160A-424, a city may not adopt a new local ordinance or resolution or any other policy or enforce an existing local ordinance, resolution, or policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council. The North Carolina Building Code Council shall review all applications for additional inspections requested by a city and shall, in a reasonable manner, approve or disapprove the additional inspections. This subsection does not limit the authority of the city to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings."

SECTION 2.(a) G.S. 153A-352(c) reads as rewritten:



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1 "(c) Notwithstanding the requirements of this Article, a county shall accept and approve,
2 without further responsibility to inspect, a design or other proposal for a component or element in
3 the construction of buildings from a licensed architect or licensed engineer provided all of the
4 following apply:

- 5 (1) The submission is completed under valid seal of the licensed architect or
6 licensed engineer.
- 7 (2) Field inspection of the installation or completion of a construction component
8 or element of the building is performed by ~~that a~~ licensed architect or licensed
9 ~~engineer-engineer~~ or a person under the direct supervisory control of the
10 licensed architect or licensed engineer.
- 11 (3) ~~That~~The licensed architect or licensed engineer submitting under subdivision
12 (1) of this subsection provides the county with a signed written document
13 stating the component or element of the building so inspected is in compliance
14 with the North Carolina State Building Code or the North Carolina Residential
15 Code for One- and Two-Family Dwellings."

16 **SECTION 2.(b)** G.S. 160A-412(c) reads as rewritten:

17 "(c) Notwithstanding the requirements of this Article, a city shall accept and approve,
18 without further responsibility to inspect, a design or other proposal for a component or element in
19 the construction of buildings from a licensed architect or licensed engineer provided all of the
20 following apply:

- 21 (1) The submission is completed under valid seal of the licensed architect or
22 licensed engineer.
- 23 (2) Field inspection of the installation or completion of a construction component
24 or element of the building is performed by ~~that a~~ licensed architect or licensed
25 ~~engineer-engineer~~ or a person under the direct supervisory control of the
26 licensed architect or licensed engineer.
- 27 (3) ~~That~~The licensed architect or licensed engineer submitting under subdivision
28 (1) of this subsection provides the city with a signed written document stating
29 the component or element of the building so inspected is in compliance with the
30 North Carolina State Building Code or the North Carolina Residential Code for
31 One- and Two-Family Dwellings."

32 **SECTION 3.(a)** G.S. 153A-352 is amended by adding a new subsection to read:

33 "(e) No certification by a licensed architect or licensed engineer shall be required for any
34 component or element engineered by the manufacturer of the component or element when the
35 manufacturer has certified that the component or element complies with the North Carolina State
36 Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings."

37 **SECTION 3.(b)** G.S.160A-412 is amended by adding a new subsection to read:

38 "(e) No certification by a licensed architect or licensed engineer shall be required for any
39 component or element engineered by the manufacturer of the component or element when the
40 manufacturer has certified that the component or element complies with the North Carolina State
41 Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings."

42 **SECTION 3.(c)** G.S. 153A-352 is amended by adding a new subsection to read:

43 "(f) No later than December 1, 2017, each inspection department shall create a process for
44 an informal internal review of inspection decisions made by the department's inspectors. This
45 process shall include, at a minimum, the following:

- 46 (1) Initial review by the supervisor of the inspector.
- 47 (2) The provision in or with each permit issued by the department of (i) the name,
48 phone number, and email address of the supervisor of each inspector and (ii) a
49 notice of availability of the informal internal review process.
- 50 (3) Procedures the department shall follow when a permit holder or applicant
51 requests an internal review of an inspector's decision.

1 Nothing in this subsection shall limit or abrogate any rights available under Chapter 150B of
2 the General Statutes to a permit holder or applicant."

3 **SECTION 3.(d)** G.S.160A-412 is amended by adding a new subsection to read:

4 "(f) No later than December 1, 2017, each inspection department shall create a process for
5 an informal internal review of inspection decisions made by the department's inspectors. This
6 process shall include, at a minimum, the following:

7 (1) Initial review by the supervisor of the inspector.

8 (2) The provision in or with each permit issued by the department of (i) the name,
9 phone number, and email address of the supervisor of each inspector and (ii) a
10 notice of availability of the informal internal review process.

11 (3) Procedures the department shall follow when a permit holder or applicant
12 requests an internal review of an inspector's decision.

13 Nothing in this subsection shall limit or abrogate any rights available under Chapter 150B of
14 the General Statutes to a permit holder or applicant."

15 **SECTION 3.(e)** Beginning in 2018, each inspection department shall annually report
16 to the Joint Legislative Committee on Local Government no later than January 15 on the
17 implementation over the prior calendar year of the informal internal review process required by
18 G.S. 153A-352(f) and G.S. 160A-412(f), as enacted by subsections (c) and (d) of this section. The
19 report shall include the number of times the informal internal review process was utilized and the
20 outcome of the review. An inspection department may meet the reporting requirement of this
21 section by submitting the information required for the report to an organization of cities or
22 counties for combination into a single report submitted on behalf of the organization's members.

23 **SECTION 3.(f)** Subsection (e) of this section expires on June 30, 2022.

24 **SECTION 4.** G.S. 143-136 reads as rewritten:

25 **"§ 143-136. Building Code Council created; membership, committees.**

26 ...

27 (c) Residential Code Committee Created; Duties. – Within the Building Code Council,
28 there is hereby created a Residential Code for One- and Two-Family Dwellings Committee
29 composed of seven members of the Building Code Council, specifically the licensed general
30 contractor specializing in residential construction who shall serve as chairman of this committee;
31 the licensed general contractor specializing in coastal residential construction; the licensed
32 engineer practicing structural engineering; the licensed plumbing and heating contractor; the fire
33 service representative; the municipal or county building inspector; and the licensed electrical
34 contractor. This committee shall meet upon the call of its chairman to review any proposal for
35 revision or amendment to the North Carolina State Building Code: Residential Code for One- and
36 Two-Family Dwellings, including provisions applicable to One- and Two-Family Dwellings from
37 the NC Energy Code, NC Electrical Code, NC Fuel Gas Code, NC Plumbing Code, the NC
38 Mechanical Code, ~~and~~ the NC Existing Building Code, and any other current or future code
39 applicable to residential construction, and no revision or amendment to any of these codes
40 applicable to residential construction may be considered by the Building Code Council unless
41 recommended by this committee. This committee shall also oversee the process by which the
42 Council conducts its revision pursuant to G.S. 143-138(d). This committee shall also consider any
43 appeal or interpretation arising under G.S. 143-141 pertaining to North Carolina State Building
44 Code: Residential Code for One- and Two-Family Dwellings and make a recommendation to the
45 Building Code Council for disposition of the appeal or interpretation. In considering the
46 recommendations of the committee related to revisions and amendments of the Building Code,
47 nothing in this subsection shall prevent the Building Code Council from accepting, rejecting, or
48 amending the recommendation, provided that any amendment to the recommendation must be
49 germane.

50 (d) Building Code Committee Created; Duties. – Within the Building Code Council, there
51 is hereby created a Building Code Committee for all structures except those subject to the North

1 Carolina State Building Code: Residential Code for One- and Two-Family Dwellings. The
2 committee shall be composed of the following nine members of the Building Code Council:

- 3 (1) One of the licensed architects appointed by the chairman of the Building Code
4 Council.
- 5 (2) The licensed engineer practicing mechanical engineering.
- 6 (3) The licensed engineer practicing electrical engineering.
- 7 (4) The licensed engineer practicing structural engineering.
- 8 (5) The municipal elected official.
- 9 (6) The fire service representative.
- 10 (7) The municipal or county building inspector.
- 11 (8) The State agency engineer.
- 12 (9) The licensed general contractor.

13 The chairman of the Building Code Council shall call the first meeting of the Committee, at which
14 meeting the Committee shall elect a chairman from among the members of the Committee as the
15 first order of business. Thereafter, the Committee shall meet upon the call of the chairman to
16 review any proposal for revision or amendment to the North Carolina State Building Code,
17 including provisions applicable to the North Carolina Energy Code, the North Carolina Electrical
18 Code, the North Carolina Fuel Gas Code, the North Carolina Plumbing Code, the North Carolina
19 Mechanical Code, ~~and~~ the North Carolina Existing Building Code, and any other current or future
20 code applicable to commercial or multi-family construction, and no revision or amendment to any
21 of these codes applicable to commercial or multi-family construction may be considered by the
22 Building Code Council unless recommended by this committee. This committee shall also oversee
23 the process by which the Council conducts its revision of the codes applicable to commercial or
24 multi-family construction pursuant to G.S. 143-138(d). This committee shall also consider any
25 appeal or interpretation arising under G.S. 143-141 pertaining to codes applicable to commercial
26 or multi-family construction and make a recommendation to the Building Code Council for
27 disposition of the appeal or interpretation. In considering the recommendations of the committee
28 related to revisions and amendments of the Building Code, nothing in this subsection shall prevent
29 the Building Code Council from accepting, rejecting, or amending the recommendation, provided
30 that any amendment to the recommendation must be germane."

31 **SECTION 5.** G.S. 143-140 reads as rewritten:

32 "**§ 143-140. Hearings before enforcement agencies as to questions under Building Code.**

33 (a) Any person desiring to raise any question under this Article or under the North
34 Carolina State Building Code shall be entitled to a technical interpretation from the appropriate
35 enforcement agency, as designated in the preceding section. Upon request in writing by any such
36 person, the enforcement agency through an appropriate official shall within a reasonable time
37 provide a written interpretation, setting forth the facts found, the decision reached, and the reasons
38 therefor. In the event of dissatisfaction with such decision, the person affected shall have the
39 options of:

- 40 (1) Appealing to the Building Code Council or
- 41 (2) Appealing directly to the Superior Court, as provided in G.S. 143-141.

42 (b) The enforcement agency shall not apply interpretations issued under this section or
43 under G.S. 143-141(b) to construction begun under a validly issued permit at the time the agency
44 provides the interpretation."

45 **SECTION 6.** G.S. 143-355.4(a) reads as rewritten:

46 "(a) Local government water systems and large community water systems shall require
47 separate meters for new in-ground irrigation systems on lots platted and recorded in the office of
48 the register of deeds in the county or counties in which the real property is located after July 1,
49 2009, that are connected to their systems. This section shall not apply to lots with septic tank
50 systems or other types of innovative on-site wastewater systems if a lockable cutoff valve and a

1 backflow prevention device are installed on the water supply line for the irrigation system within
2 12 inches of the connection to the water meter."

3 **SECTION 7.** This act becomes effective October 1, 2017.