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Short Title: Building Code Reg. Reform.

(Public)

Sponsors:

Referred to:

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO REFORM BUILDING CODE ENFORCEMENT TO PROMOTE ECONOMIC GROWTH BY CONFORMING WORK IN PROGRESS INSPECTION AUTHORITY TO RECENTLY ENACTED INSPECTION LIMITATIONS, BY REQUIRING THE BUILDING CODE COUNCIL TO STUDY THE ALTERNATE METHODS APPROVAL PROCESS, BY CLARIFYING THE DEFINITION OF OFFICIAL MISCONDUCT FOR CODE OFFICIALS, BY RAISING THE THRESHOLD FOR REQUIREMENT OF A BUILDING PERMIT, BY CREATING THE BUILDING CODE COUNCIL RESIDENTIAL CODE COMMITTEE AND THE BUILDING CODE COMMITTEE, BY REQUIRING INTERNET POSTING OF CERTAIN COUNCIL DECISIONS AND INTERPRETATIONS, BY CLARIFYING THAT INSPECTION FEES COLLECTED BY CITIES AND COUNTIES MAY ONLY BE USED TO SUPPORT THE INSPECTION DEPARTMENT, BY REQUIRING THAT INSPECTIONS BE PERFORMED IN FULL AND IN A TIMELY MANNER AND INSPECTION REPORTS INCLUDE ALL ITEMS FAILING TO MEET CODE REQUIREMENTS, BY AUTHORIZING INSPECTIONS OF COMPONENTS OR ELEMENTS OF BUILDINGS CERTIFIED BY LICENSED ARCHITECTS OR LICENSED ENGINEERS, AND BY EXEMPTING CERTAIN COMMERCIAL BUILDING PROJECTS FROM THE REQUIREMENT OF A PROFESSIONAL SEAL.

The General Assembly of North Carolina enacts:

PART I. COMPLIANCE WITH BUILDING CODE INSPECTION REQUIREMENTS

SECTION 1.(a) G.S. 153A-360 reads as rewritten:

"§ 153A-360. Inspections of work in progress.

~~As Subject to the limitation imposed by G.S. 153A-352(b),~~ as the work pursuant to a permit progresses, local inspectors shall make as many inspections of the work as may be necessary to satisfy them that it is being done according to the provisions of the applicable State and local laws and local ordinances and regulations and of the terms of the permit. In exercising this power, each member of the inspection department has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action. If a permit has been



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1 obtained by an owner exempt from licensure under G.S. 87-1(b)(2), no inspection shall be
2 conducted without the owner being personally present, unless the plans for the building were
3 drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes."

4 **SECTION 1.(b)** G.S. 160A-420 reads as rewritten:

5 **"§ 160A-420. Inspections of work in progress.**

6 ~~As Subject to the limitation imposed by G.S. 160A-412(b),~~ as the work pursuant to a permit
7 progresses, local inspectors shall make as many inspections thereof as may be necessary to
8 satisfy them that the work is being done according to the provisions of any applicable State and
9 local laws and of the terms of the permit. In exercising this power, members of the inspection
10 department shall have a right to enter on any premises within the jurisdiction of the department
11 at all reasonable hours for the purposes of inspection or other enforcement action, upon
12 presentation of proper credentials. If a permit has been obtained by an owner exempt from
13 licensure under G.S. 87-1(b)(2), no inspection shall be conducted without the owner being
14 personally present, unless the plans for the building were drawn and sealed by an architect
15 licensed pursuant to Chapter 83A of the General Statutes."
16

17 **PART II. STUDY ALTERNATIVE APPROVAL METHODS**

18 **SECTION 2.** The North Carolina Building Code Council shall study procedures
19 and policies for the approval of alternative materials, designs, or methods. The study shall
20 include review of the following elements:

- 21 (1) The alternate methods application process, including requirements for initial
22 application submittal, supporting information, and site-specific or
23 project-specific application submittals.
- 24 (2) Time lines for the application process, including application submittal,
25 Council review, and final approval or denial of applications, including the
26 feasibility of a requirement that final determinations be rendered on a
27 completed application within 30 days of the date an application is
28 determined to be complete.
- 29 (3) Procedures for appeal of applications denied by the Council.

30 In conducting the study, the Council may utilize support services provided by staff
31 from the Engineering Division of the Department of Insurance. The Council shall report its
32 findings and recommendations, including any proposed legislative changes, to the 2016
33 Regular Session of the 2015 General Assembly when it convenes.
34

35 **PART III. CLARIFY OFFICIAL MISCONDUCT FOR CODE OFFICIALS**

36 **SECTION 3.(a)** G.S. 143-151.8 is amended by adding a new subsection to read:

37 "(c) For purposes of this Article, "willful misconduct, gross negligence, or gross
38 incompetence" in addition to the meaning of those terms under other provisions of the General
39 Statutes or at common law, shall include any of the following:

- 40 (1) The enforcement of a Code requirement applicable to a certain area or set of
41 circumstances in other areas or circumstances not specified in the
42 requirement.
- 43 (2) For an alternative design or construction method that has been appealed
44 under G.S. 143-140.1 and found by the Department of Insurance to comply
45 with the Code, to refuse to accept the decision by the Department to allow
46 that alternative design or construction method under the conditions or
47 circumstances set forth in the Department's decision for that appeal.
- 48 (3) For an alternative construction method currently included in the Building
49 Code, to refuse to allow the alternative method under the conditions or
50 circumstances set forth in the Code for that alternative method.

- 1 (4) The enforcement of a requirement that is more stringent than or otherwise
2 exceeds the Code requirement.
3 (5) To refuse to implement or adhere to an interpretation of the Building Code
4 issued by the Building Code Council or the Department of Insurance.
5 (6) The habitual failure to provide requested inspections in a timely manner."

6 **SECTION 3.(b)** The North Carolina Code Officials Qualification Board shall, no
7 later than October 1, 2015, notify all Code enforcement officials in the State of the clarification
8 to the grounds for disciplinary action enacted by this act.
9

10 **PART IV. RAISE THRESHOLD FOR BUILDING PERMIT REQUIREMENT**

11 **SECTION 4.1.** G.S. 143-138(b5) reads as rewritten:

12 "(b5) Exclusion for Certain Minor Activities in Residential and Farm Structures. – No
13 building permit shall be required under the Code or any local variance thereof approved under
14 subsection (e) for any construction, installation, repair, replacement, or alteration costing ~~five~~
15 ~~thousand dollars (\$5,000)~~ fifteen thousand dollars (\$15,000) or less in any single family
16 residence or farm building unless the work involves: the addition, repair, or replacement of load
17 bearing structures; the addition (excluding replacement of same capacity) or change in the
18 design of plumbing; the addition, replacement or change in the design of heating, air
19 conditioning, or electrical wiring, devices, fixtures (excluding repair or replacement of
20 electrical lighting devices and fixtures of the same type), appliances (excluding replacement of
21 water heaters, provided that the energy use rate or thermal input is not greater than that of the
22 water heater which is being replaced, and there is no change in fuel, energy source, location,
23 capacity, or routing or sizing of venting and piping), or equipment, the use of materials not
24 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
25 replacement of like grade of fire resistance) of roofing. The exclusions from building permit
26 requirements set forth in this paragraph for electrical lighting devices and fixtures and water
27 heaters shall apply only to work performed on a one- or two-family dwelling. In addition,
28 exclusions for electrical lighting devices and fixtures and electric water heaters shall apply only
29 to work performed by a person licensed under G.S. 87-43 and exclusions for water heaters,
30 generally, to work performed by a person licensed under G.S. 87-21."

31 **SECTION 4.2.(a)** G.S. 153A-357(a2) is recodified as G.S. 153A-357(a3).

32 **SECTION 4.2.(b)** G.S. 153A-357, as amended by subsection (a) of this section,
33 reads as rewritten:

34 **"§ 153A-357. Permits.**

35 ...

36 (a1) A permit shall be in writing and shall contain a provision that the work done shall
37 comply with the State Building Code and all other applicable State and local laws and local
38 ordinances and regulations. Nothing in this section shall require a county to review and approve
39 residential building plans submitted to the county pursuant to Section R-110 of Volume VII of
40 the North Carolina State Building Code; provided that the county may review and approve such
41 residential building plans as it deems necessary. No permit may be issued unless the plans and
42 specifications are identified by the name and address of the author thereof; and if the General
43 Statutes of North Carolina require that plans for certain types of work be prepared only by a
44 ~~registered-licensed~~ architect or ~~registered-licensed~~ engineer, no permit may be issued unless the
45 plans and specifications bear the North Carolina seal of a ~~registered-licensed~~ architect or of a
46 ~~registered-licensed~~ engineer. If a provision of the General Statutes of North Carolina or of any
47 ordinance requires that work be done by a licensed specialty contractor of any kind, no permit
48 for the work may be issued unless the work is to be performed by such a duly licensed
49 contractor.

50 (a2) No permit issued under Articles 9 or 9C of G.S. Chapter 143 shall be required for
51 any construction, installation, repair, replacement, or alteration costing ~~five thousand dollars~~

1 ~~(\$5,000)~~ fifteen thousand dollars (\$15,000) or less in any single-family residence or farm
 2 building unless the work involves: the addition, repair or replacement of load bearing
 3 structures; the addition (excluding replacement of same size and capacity) or change in the
 4 design of plumbing; the addition, replacement or change in the design of heating, air
 5 conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not
 6 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
 7 replacement of like grade of fire resistance) of roofing. Violation of this section constitutes a
 8 Class 1 misdemeanor.

9"

10 **SECTION 4.3.(a)** G.S. 160A-417(a2) is recodified as G.S. 160A-417(a3).

11 **SECTION 4.3.(b)** G.S. 160A-417, as amended by subsection (a) of this section,
 12 reads as rewritten:

13 "**§ 160A-417. Permits.**

14 ...

15 (a1) A permit shall be in writing and shall contain a provision that the work done shall
 16 comply with the State Building Code and all other applicable State and local laws. Nothing in
 17 this section shall require a city to review and approve residential building plans submitted to
 18 the city pursuant to Section R-110 of Volume VII of the North Carolina State Building Code;
 19 provided that the city may review and approve such residential building plans as it deems
 20 necessary. No permits shall be issued unless the plans and specifications are identified by the
 21 name and address of the author thereof, and if the General Statutes of North Carolina require
 22 that plans for certain types of work be prepared only by a ~~registered-licensed~~ architect or
 23 ~~registered-licensed~~ engineer, no permit shall be issued unless the plans and specifications bear
 24 the North Carolina seal of a ~~registered-licensed~~ architect or of a ~~registered-licensed~~ engineer.
 25 When any provision of the General Statutes of North Carolina or of any ordinance requires that
 26 work be done by a licensed specialty contractor of any kind, no permit for the work shall be
 27 issued unless the work is to be performed by such a duly licensed contractor.

28 (a2) No permit issued under Articles 9 or 9C of Chapter 143 shall be required for any
 29 construction, installation, repair, replacement, or alteration costing ~~five thousand dollars~~
 30 ~~(\$5,000)~~ fifteen thousand dollars (\$15,000) or less in any single family residence or farm
 31 building unless the work involves: the addition, repair or replacement of load bearing
 32 structures; the addition (excluding replacement of same size and capacity) or change in the
 33 design of plumbing; the addition, replacement or change in the design of heating, air
 34 conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not
 35 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
 36 replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute
 37 a Class 1 misdemeanor.

38"

39
 40 **PART V. CREATE BUILDING CODE COUNCIL RESIDENTIAL CODE**
 41 **COMMITTEE AND BUILDING CODE COMMITTEE**

42 **SECTION 5.1.** G.S. 143-136 reads as rewritten:

43 "**§ 143-136. Building Code Council created; ~~membership, membership, committees.~~**

44 (a) Creation; Membership; Terms. – There is hereby created a Building Code Council,
 45 which shall be composed of 17 members appointed by the Governor, consisting of the
 46 following:

- 47 (1) ~~two registered architects,~~ Two licensed architects.
- 48 (2) ~~one One licensed general contractor, contractor.~~
- 49 (3) ~~one One licensed general contractor specializing in residential~~
 50 ~~construction, construction.~~

- 1 (4) ~~one~~One licensed general contractor specializing in coastal residential
2 construction, construction.
- 3 (5) ~~one~~registeredOne licensed engineer practicing structural
4 engineering, engineering.
- 5 (6) ~~one~~registeredOne licensed engineer practicing mechanical
6 engineering, engineering.
- 7 (7) ~~one~~registered One licensed engineer practicing electrical
8 engineering, engineering.
- 9 (8) ~~one~~One licensed plumbing and heating ~~contractor, contractor.~~
- 10 (9) ~~one~~One municipal or county building ~~inspector, inspector.~~
- 11 (10) ~~one~~One licensed liquid petroleum gas dealer/contractor involved in the
12 design of natural and liquid petroleum gas systems who has expertise and
13 experience in natural and liquid petroleum gas piping, venting and
14 appliances, appliances.
- 15 (11) ~~a~~One representative of the public who is not a member of the building
16 construction ~~industry, industry.~~
- 17 (12) ~~a~~One licensed electrical ~~contractor, contractor.~~
- 18 (13) ~~a~~registeredOne licensed engineer on the engineering staff of a State agency
19 charged with approval of plans of State-owned ~~buildings, buildings.~~
- 20 (14) ~~a~~One municipal elected official or city ~~manager, manager.~~
- 21 (15) ~~a~~One county commissioner or county ~~manager, manager.~~
- 22 (16) ~~and an~~One active member of the North Carolina fire service with expertise
23 in fire ~~safety, safety~~, as recommended by the North Carolina State Firemen's
24 Association.

25 In selecting the municipal and county members, preference should be given to members
26 who qualify as either a ~~registered~~licensed architect, ~~registered~~licensed engineer, or licensed
27 general contractor. Of the members initially appointed by the Governor, three shall serve for
28 terms of two years each, three shall serve for terms of four years each, and three shall serve for
29 terms of six years each. Thereafter, all appointments shall be for terms of six years. The
30 Governor may remove appointive members at any time. Neither the architect nor any of the
31 above named engineers shall be engaged in the manufacture, promotion or sale of any building
32 material, and any member who shall, during his term, cease to meet the qualifications for
33 original appointment (through ceasing to be a practicing member of the profession indicated or
34 otherwise) shall thereby forfeit his membership on the Council. In making new appointments or
35 filling vacancies, the Governor shall ensure that minorities and women are represented on the
36 Council.

37 The Governor may make appointments to fill the unexpired portions of any terms vacated
38 by reason of death, resignation, or removal from office. In making such appointment, he shall
39 preserve the composition of the Council required above.

40 (b) Compensation. – Members of the Building Code Council other than any who are
41 employees of the State shall receive seven dollars (\$7.00) per day, including necessary time
42 spent in traveling to and from their place of residence within the State to any place of meeting
43 or while traveling on official business of the Council. In addition, all members shall receive
44 mileage and subsistence according to State practice while going to and from any place of
45 meeting, or when on official business of the Council.

46 (c) Residential Code Committee Created; Duties. – Within the Building Code Council,
47 there is hereby created a Residential Code for One- and Two-Family Dwellings Committee
48 composed of seven members of the Building Code Council, specifically the licensed general
49 contractor specializing in residential construction who shall serve as chairman of this
50 committee; the licensed general contractor specializing in coastal residential construction; the
51 licensed engineer practicing structural engineering; the licensed plumbing and heating

1 contractor; the fire service representative; the municipal or county building inspector; and the
2 licensed electrical contractor. This committee shall meet upon the call of its chairman to review
3 any proposal for revision or amendment to the North Carolina State Building Code: Residential
4 Code for One- and Two-Family Dwellings, including provisions applicable to One- and
5 Two-Family Dwellings from the NC Energy Code, NC Electrical Code, NC Fuel Gas Code,
6 NC Plumbing Code, the NC Mechanical Code, and the NC Existing Building Code, and no
7 revision or amendment to any of these codes applicable to residential construction may be
8 considered by the Building Code Council unless recommended by this committee. This
9 committee shall also oversee the process by which the Council conducts its revision pursuant to
10 G.S. 143-138(d). This committee shall also consider any appeal or interpretation arising under
11 G.S. 143-141 pertaining to North Carolina State Building Code: Residential Code for One- and
12 Two-Family Dwellings and make a recommendation to the Building Code Council for
13 disposition of the appeal or interpretation. In considering the recommendations of the
14 committee related to revisions and amendments of the Building Code, nothing in this
15 subsection shall prevent the Building Code Council from accepting, rejecting, or amending the
16 recommendation, provided that any amendment to the recommendation must be germane.

17 (d) Building Code Committee Created; Duties. – Within the Building Code Council,
18 there is hereby created a Building Code Committee for all structures except those subject to the
19 North Carolina State Building Code: Residential Code for One- and Two-Family Dwellings.
20 The committee shall be composed of the following nine members of the Building Code
21 Council:

- 22 (1) One of the licensed architects appointed by the chairman of the Building
23 Code Council.
- 24 (2) The licensed engineer practicing mechanical engineering.
- 25 (3) The licensed engineer practicing electrical engineering.
- 26 (4) The licensed engineer practicing structural engineering.
- 27 (5) The municipal elected official.
- 28 (6) The fire service representative.
- 29 (7) The municipal or county building inspector.
- 30 (8) The State agency engineer.
- 31 (9) The licensed general contractor.

32 The chairman of the Building Code Council shall call the first meeting of the Committee, at
33 which meeting the Committee shall elect a chairman from among the members of the
34 Committee as the first order of business. Thereafter, the Committee shall meet upon the call of
35 the chairman to review any proposal for revision or amendment to the North Carolina State
36 Building Code, including provisions applicable to the North Carolina Energy Code, the North
37 Carolina Electrical Code, the North Carolina Fuel Gas Code, the North Carolina Plumbing
38 Code, the North Carolina Mechanical Code, and the North Carolina Existing Building Code,
39 and no revision or amendment to any of these codes applicable to commercial or multi-family
40 construction may be considered by the Building Code Council unless recommended by this
41 committee. This committee shall also oversee the process by which the Council conducts its
42 revision of the codes applicable to commercial or multi-family construction pursuant to
43 G.S. 143-138(d). This committee shall also consider any appeal or interpretation arising under
44 G.S. 143-141 pertaining to codes applicable to commercial or multi-family construction and
45 make a recommendation to the Building Code Council for disposition of the appeal or
46 interpretation. In considering the recommendations of the committee related to revisions and
47 amendments of the Building Code, nothing in this subsection shall prevent the Building Code
48 Council from accepting, rejecting, or amending the recommendation, provided that any
49 amendment to the recommendation must be germane."

50 **SECTION 5.2.** G.S. 143-138(d) reads as rewritten:

1 "(d) Amendments of the Code. – ~~The Subject to the procedures set forth in~~
2 G.S. 143-136(c) and (d), the Building Code Council may periodically revise and amend the
3 North Carolina State Building Code, either on its own motion or upon application from any
4 citizen, State agency, or political subdivision of the State. In addition to the periodic revisions
5 or amendments made by the Council, the Council shall shall, following the procedure set forth
6 in G.S. 143-136(c), revise the North Carolina State Building Code: Residential Code for One-
7 and Two-Family Dwellings, including provisions applicable to One- and Two-Family
8 Dwellings from the NC Energy Code, NC Electrical Code, NC Fuel Gas Code, NC Plumbing
9 Code, and NC Mechanical Code only every six years, to become effective the first day of
10 January of the following year, with at least six months between adoption and effective date.
11 The first six-year revision under this subsection shall be adopted to become effective January 1,
12 2019, and every six years thereafter. In adopting any amendment, the Council shall comply
13 with the same procedural requirements and the same standards set forth above for adoption of
14 the Code. The Council, through the Department of Insurance, shall publish in the North
15 Carolina Register and shall post on the Council's Web site all appeal decisions made by the
16 Council and all formal opinions at least semiannually. The Council, through the Department of
17 Insurance, shall also publish at least semiannually in the North Carolina Register a statement
18 providing the accurate Web site address and information on how to find additional commentary
19 and interpretation of the Code."
20

21 **PART VI. BUILDING CODE COUNCIL REQUIRED WEB SITE POSTINGS**

22 **SECTION 6.1.** G.S. 143-141 is amended by adding a new subsection to read:

23 "(c1) Posting on Department Web Site. – The Department of Insurance shall post and
24 maintain on that portion of its Web site devoted to the Building Code Council all appeal
25 decisions, interpretations, and variations of the Code issued by the Council within 10 business
26 days of issuance."

27 **SECTION 6.2.** G.S. 143-138.1(b) reads as rewritten:

28 "(b) The Department of Insurance shall post and maintain on its Web site that portion of
29 its Web site devoted to the Building Code Council written commentaries and written
30 interpretations made and given by staff to the North Carolina Building Code Council and the
31 Department for each section of the North Carolina Building Code. Code within 10 business days
32 of issuance."

33

34 **PART VII. INSPECTION FEES TO BE SPENT ONLY FOR ACTIVITIES OF**

35 **INSPECTION DEPARTMENT**

36 **SECTION 7.1.** G.S. 153A-354 reads as rewritten:

37 "**§ 153A-354. Financial support.**

38 A county may appropriate any available funds for the support of its inspection department.
39 It may provide for paying inspectors fixed salaries, or it may reimburse them for their services
40 by paying over part or all of any fees collected. It may fix reasonable fees for issuing permits,
41 for inspections, and for other services of the inspection department. All fees collected under the
42 authority set forth in this section shall be used for support of the administration and activities of
43 the inspection department and for no other purpose."

44 **SECTION 7.2.** G.S. 160A-414 reads as rewritten:

45 "**§ 160A-414. Financial support.**

46 The city council may appropriate for the support of the inspection department any funds
47 that it deems necessary. It may provide for paying inspectors fixed salaries or it may reimburse
48 them for their services by paying over part or all of any fees collected. It shall have power to fix
49 reasonable fees for issuance of permits, inspections, and other services of the inspection
50 department. All fees collected under the authority set forth in this section shall be used for

1 support of the administration and activities of the inspection department and for no other
2 purpose."

3
4 **PART VIII. INSPECTIONS TO BE PERFORMED IN FULL AND IN A TIMELY**
5 **MANNER AND INSPECTION REPORTS TO INCLUDE ALL ITEMS FAILING TO**
6 **MEET CODE REQUIREMENTS**

7 **SECTION 8.1.** G.S. 153A-352 reads as rewritten:

8 **"§ 153A-352. Duties and responsibilities.**

9 (a) The duties and responsibilities of an inspection department and of the inspectors in
10 it are to enforce within the county's territorial jurisdiction State and local laws and local
11 ordinances and regulations relating to:

- 12 (1) The construction of buildings;
- 13 (2) The installation of such facilities as plumbing systems, electrical systems,
14 heating systems, refrigeration systems, and air-conditioning systems;
- 15 (3) The maintenance of buildings in a safe, sanitary, and healthful condition;
- 16 (4) Other matters that may be specified by the board of commissioners.

17 These duties and responsibilities include receiving applications for permits and issuing or
18 denying permits, making necessary ~~inspections~~, inspections in a timely manner, issuing or
19 denying certificates of compliance, issuing orders to correct violations, bringing judicial actions
20 against actual or threatened violations, keeping adequate records, and taking any other actions
21 that may be required to adequately enforce the laws and ordinances and regulations. The board
22 of commissioners may enact reasonable and appropriate provisions governing the enforcement
23 of the laws and ordinances and regulations.

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

38 **SECTION 8.2.** G.S. 160A-412 reads as rewritten:

39 **"§ 160A-412. Duties and responsibilities.**

40 (a) The duties and responsibilities of an inspection department and of the inspectors
41 therein shall be to enforce within their territorial jurisdiction State and local laws relating to

- 42 (1) The construction of buildings and other structures;
- 43 (2) The installation of such facilities as plumbing systems, electrical systems,
44 heating systems, refrigeration systems, and air-conditioning systems;
- 45 (3) The maintenance of buildings and other structures in a safe, sanitary, and
46 healthful condition;
- 47 (4) Other matters that may be specified by the city council.

48 These duties shall include the receipt of applications for permits and the issuance or denial of
49 permits, the making of any necessary ~~inspections~~, inspections in a timely manner, the issuance
50 or denial of certificates of compliance, the issuance of orders to correct violations, the bringing
51 of judicial actions against actual or threatened violations, the keeping of adequate records, and

1 any other actions that may be required in order adequately to enforce those laws. The city
2 council shall have the authority to enact reasonable and appropriate provisions governing the
3 enforcement of those laws.

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

18 19 **PART IX. INSPECTIONS OF COMPONENTS OR ELEMENTS OF BUILDINGS** 20 **CERTIFIED BY LICENSED ARCHITECTS OR LICENSED ENGINEERS**

21 **SECTION 9.(a)** G.S. 153A-352 reads as rewritten:

22 **"§ 153A-352. Duties and responsibilities.**

23 (a) The duties and responsibilities of an inspection department and of the inspectors in
24 it are to enforce within the county's territorial jurisdiction State and local laws and local
25 ordinances and regulations relating to:

- 26 (1) The construction of buildings;
- 27 (2) The installation of such facilities as plumbing systems, electrical systems,
28 heating systems, refrigeration systems, and air-conditioning systems;
- 29 (3) The maintenance of buildings in a safe, sanitary, and healthful condition;
- 30 (4) Other matters that may be specified by the board of commissioners.

31 (a1) ~~These~~The duties and responsibilities set forth in subsection (a) of this section
32 include receiving applications for permits and issuing or denying permits, making necessary
33 inspections, issuing or denying certificates of compliance, issuing orders to correct violations,
34 bringing judicial actions against actual or threatened violations, keeping adequate records, and
35 taking any other actions that may be required to adequately enforce the laws and ordinances
36 and regulations. The board of commissioners may enact reasonable and appropriate provisions
37 governing the enforcement of the laws and ordinances and regulations.

38 (b) Except as provided in G.S. 153A-364, a county may not adopt a local ordinance or
39 resolution or any other policy that requires regular, routine inspections of buildings or
40 structures constructed in compliance with the North Carolina Residential Code for One- and
41 Two-Family Dwellings in addition to the specific inspections required by the North Carolina
42 Building Code without first obtaining approval from the North Carolina Building Code
43 Council. The North Carolina Building Code Council shall review all applications for additional
44 inspections requested by a county and shall, in a reasonable manner, approve or disapprove the
45 additional inspections. This subsection does not limit the authority of the county to require
46 inspections upon unforeseen or unique circumstances that require immediate action.

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

1 (1) The submission is completed under valid seal of the licensed architect or
2 licensed engineer.
3 (2) Field inspection of the installation or completion of construction component
4 or element of the building is performed by that licensed architect or licensed
5 engineer.
6 (3) That licensed architect or licensed engineer provides the county with a
7 signed written document stating the component or element of the building so
8 inspected is in compliance with the North Carolina State Building Code or
9 the North Carolina Residential Code for One- and Two-Family Dwellings.
10 (d) Upon the acceptance and approval of a signed written document by the county as
11 required under subsection (c) of this section, the county, its inspection department, and the
12 inspectors shall be discharged and released from any duties and responsibilities imposed by this
13 Article with respect to the component or element in the construction of the building for which
14 the signed written document was submitted."

15 **SECTION 9.(b)** G.S. 153A-356 reads as rewritten:

16 "**§ 153A-356. Failure to perform duties.**

17 (a) If a member of an inspection department willfully fails to perform the duties
18 required of him by law, or willfully improperly issues a permit, or gives a certificate of
19 compliance without first making the inspections required by law, or willfully improperly gives
20 a certificate of compliance, he is guilty of a Class 1 misdemeanor.

21 (b) A member of the inspection department shall not be in violation of this section when
22 the county, its inspection department, or one of the inspectors accepted a signed written
23 document of compliance with the North Carolina State Building Code or the North Carolina
24 Residential Code for One- and Two-Family Dwellings from a licensed architect or licensed
25 engineer in accordance with G.S. 153A-352(c)."

26 **SECTION 9.(c)** G.S. 160A-412 reads as rewritten:

27 "**§ 160A-412. Duties and responsibilities.**

28 (a) The duties and responsibilities of an inspection department and of the inspectors
29 therein shall be to enforce within their territorial jurisdiction State and local laws relating to

30 (1) The construction of buildings and other structures;

31 (2) The installation of such facilities as plumbing systems, electrical systems,
32 heating systems, refrigeration systems, and air-conditioning systems;

33 (3) The maintenance of buildings and other structures in a safe, sanitary, and
34 healthful condition;

35 (4) Other matters that may be specified by the city council.

36 (a1) ~~These~~ The duties and responsibilities set forth in subsection (a) of this section shall
37 include the receipt of applications for permits and the issuance or denial of permits, the making
38 of any necessary inspections, the issuance or denial of certificates of compliance, the issuance
39 of orders to correct violations, the bringing of judicial actions against actual or threatened
40 violations, the keeping of adequate records, and any other actions that may be required in order
41 adequately to enforce those laws. The city council shall have the authority to enact reasonable
42 and appropriate provisions governing the enforcement of those laws.

43 (b) Except as provided in G.S. 160A-424, a city may not adopt a local ordinance or
44 resolution or any other policy that requires regular, routine inspections of buildings or
45 structures constructed in compliance with the North Carolina Residential Code for One- and
46 Two-Family Dwellings in addition to the specific inspections required by the North Carolina
47 Building Code without first obtaining approval from the North Carolina Building Code
48 Council. The North Carolina Building Code Council shall review all applications for additional
49 inspections requested by a city and shall, in a reasonable manner, approve or disapprove the
50 additional inspections. This subsection does not limit the authority of the city to require
51 inspections upon unforeseen or unique circumstances that require immediate action.

1 (c) Notwithstanding the requirements of this Article, a city shall accept and approve,
2 without further responsibility to inspect, a design or other proposal for a component or element
3 in the construction of buildings from a licensed architect or licensed engineer provided all of
4 the 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 construction component
8 or element of the building is performed by that licensed architect or licensed
9 engineer.

10 (3) That licensed architect or licensed engineer provides the city with a signed
11 written document stating the component or element of the building so
12 inspected is in compliance with the North Carolina State Building Code or
13 the North Carolina Residential Code for One- and Two-Family Dwellings.

14 (d) Upon the acceptance and approval of a signed written document by the city as
15 required under subsection (c) of this section, the city, its inspection department, and the
16 inspectors shall be discharged and released from any duties and responsibilities imposed by this
17 Article with respect to the component or element in the construction of the building for which
18 the signed written document was submitted."

19 **SECTION 9.(d)** G.S. 160A-416 reads as rewritten:

20 "**§ 160A-416. Failure to perform duties.**

21 (a) If any member of an inspection department shall willfully fail to perform the duties
22 required of him by law, or willfully shall improperly issue a permit, or shall give a certificate of
23 compliance without first making the inspections required by law, or willfully shall improperly
24 give a certificate of compliance, he shall be guilty of a Class 1 misdemeanor.

25 (b) A member of the inspection department shall not be in violation of this section when
26 the city, its inspection department, or one of the inspectors accepted a signed written document
27 of compliance with the North Carolina State Building Code or the North Carolina Residential
28 Code for One- and Two-Family Dwellings from a licensed architect or licensed engineer in
29 accordance with G.S. 160A-412(c)."

30 31 **PART X. EXEMPT CERTAIN COMMERCIAL BUILDING PROJECTS FROM THE** 32 **REQUIREMENT OF A PROFESSIONAL SEAL**

33 **SECTION 10.** Notwithstanding G.S. 83A-13(c)(3) and (4), a commercial building
34 project with a total value of less than ninety thousand dollars (\$90,000) and a total project area
35 of less than 2,500 square feet shall be exempt from the requirement for a professional
36 architectural seal.

37 38 **PART XI. EFFECTIVE DATE**

39 **SECTION 11.** This act becomes effective October 1, 2015.