

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

3

HOUSE BILL 120*
Committee Substitute Favorable 3/6/13
Third Edition Engrossed 3/11/13

Short Title: Blding Codes: Local Consistency/Exempt Cable.

(Public)

Sponsors:

Referred to:

February 20, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE APPROVAL FROM THE NORTH CAROLINA BUILDING CODE
3 COUNCIL BEFORE A UNIT OF LOCAL GOVERNMENT MAY REQUIRE BUILDING
4 INSPECTIONS IN ADDITION TO THOSE REQUIRED BY THE BUILDING CODE;
5 TO SPECIFY THE FREQUENCY AND EFFECTIVE DATES OF CODE UPDATES;
6 AND TO EXEMPT CABLE TELEVISION EQUIPMENT INSTALLATION FROM
7 BUILDING CODE REQUIREMENTS.

8 The General Assembly of North Carolina enacts:

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

10 "§ 153A-352. Duties and responsibilities.

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

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

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

26 (b) Except as provided in G.S. 153A-364, a county may not adopt a local ordinance or
27 resolution or any other policy that requires regular, routine inspections of buildings or
28 structures constructed in compliance with the North Carolina Residential Code for One- and
29 Two-Family Dwellings in addition to the specific inspections required by the North Carolina
30 Building Code without first obtaining approval from the North Carolina Building Code
31 Council. The North Carolina Building Code Council shall review all applications for additional
32 inspections requested by a county and shall, in a timely manner, approve or disapprove the
33 additional inspections. This subsection does not limit the authority of the county to require
34 inspections upon unforeseen or unique circumstances that require immediate action."

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



* H 1 2 0 - V - 3 *

1 "§ 160A-412. Duties and responsibilities.

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

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

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

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

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

10 These duties shall include the receipt of applications for permits and the issuance or denial of
11 permits, the making of any necessary inspections, the issuance or denial of certificates of
12 compliance, the issuance of orders to correct violations, the bringing of judicial actions against
13 actual or threatened violations, the keeping of adequate records, and any other actions that may
14 be required in order adequately to enforce those laws. The city council shall have the authority
15 to enact reasonable and appropriate provisions governing the enforcement of those laws.

16 (b) Except as provided in G.S. 160A-424, a city may not adopt a local ordinance or
17 resolution or any other policy that requires regular, routine inspections of buildings or
18 structures constructed in compliance with the North Carolina Residential Code for One- and
19 Two-Family Dwellings in addition to the specific inspections required by the North Carolina
20 Building Code without first obtaining approval from the North Carolina Building Code
21 Council. The North Carolina Building Code Council shall review all applications for additional
22 inspections requested by a city and shall, in a timely manner, approve or disapprove the
23 additional inspections. This subsection does not limit the authority of the city to require
24 inspections upon unforeseen or unique circumstances that require immediate action."

25 **SECTION 2.** G.S. 143-138(d) reads as rewritten:

26 "(d) Amendments of the Code. – The Building Code Council may periodically revise
27 and amend the North Carolina State Building Code, either on its own motion or upon
28 application from any citizen, State agency, or political subdivision of the State. In addition to
29 the periodic revisions or amendments made by the Council, the Council shall revise the North
30 Carolina State Building Code: Residential Code for One- and Two-Family Dwellings,
31 including provisions applicable to One- and Two-Family Dwellings from the NC Energy Code,
32 NC Electrical Code, NC Fuel Gas Code, NC Plumbing Code, and NC Mechanical Code only
33 every six years, to become effective the first day of January of the following year, with at least
34 six months between adoption and effective date. The first six-year revision under this
35 subsection shall be adopted to become effective January 1, 2019, and every six years thereafter.
36 In adopting any amendment, the Council shall comply with the same procedural requirements
37 and the same standards set forth above for adoption of the Code. The Council, through the
38 Department of Insurance, shall publish in the North Carolina Register and shall post on the
39 Council's Web site all appeal decisions made by the Council and all formal opinions at least
40 semiannually. The Council, through the Department of Insurance, shall also publish at least
41 semiannually in the North Carolina Register a statement providing the accurate Web site
42 address and information on how to find additional commentary and interpretation of the Code."

43 **SECTION 3.** G.S. 143-138(b8) reads as rewritten:

44 "(b8) Nothing in this Article shall extend to or be construed as being applicable to the
45 regulation of the design, construction, location, installation, or operation of (1) equipment for
46 storing, handling, transporting, and utilizing liquefied petroleum gases for fuel purposes or
47 anhydrous ammonia or other liquid fertilizers, except for liquefied petroleum gas from the
48 outlet of the first stage pressure regulator to and including each liquefied petroleum gas
49 utilization device within a building or structure covered by the Code, or (2) equipment or
50 facilities, other than buildings, of a public utility, as defined in G.S. 62-3, a cable television
51 company, or an electric or telephone membership corporation, including without limitation

1 poles, towers, and other structures supporting ~~electric~~electric, cable television, or
2 communication lines."

3 **SECTION 3.5.** The Department of Insurance shall post and maintain on its Web
4 site written commentaries and written interpretations made and given by staff to the North
5 Carolina Building Code Council and the Department for each section of the North Carolina
6 Building Code.

7 **SECTION 4.** If any provision of this act or its application is held invalid, the
8 invalidity does not affect other provisions or applications of this act that can be given effect
9 without the invalid provisions or application, and to this end the provisions of this act are
10 severable.

11 **SECTION 5.** This act becomes effective July 1, 2013.