

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL 252
Committee Substitute Favorable 3/28/17
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Short Title: Building Code Regulatory Reform.

(Public)

Sponsors:

Referred to:

March 6, 2017

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 or enforce a local ordinance or resolution or any other 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 or enforce a local ordinance or resolution or any other 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:



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
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 a construction
8 component or element of the building is performed by ~~that~~ a licensed
9 architect or licensed ~~engineer-engineer~~ or a person under the direct
10 supervisory control of the licensed architect or licensed engineer.
- 11 (3) ~~That~~ The licensed architect or licensed engineer under subdivision (2) of this
12 subsection provides the county with a signed written document stating the
13 component or element of the building so inspected is in compliance with the
14 North Carolina State Building Code or the North Carolina Residential Code
15 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
19 in the construction of buildings from a licensed architect or licensed engineer provided all of
20 the 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
24 component or element of the building is performed by ~~that~~ a licensed
25 architect or licensed ~~engineer-engineer~~ or a person under the direct
26 supervisory control of the licensed architect or licensed engineer.
- 27 (3) ~~That~~ The licensed architect or licensed engineer under subdivision (2) of this
28 subsection provides the city with a signed written document stating the
29 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
31 for One- and Two-Family Dwellings."

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

33 "(e) Other than what may be required by G.S. 153A-352(c), no further certification by a
34 licensed architect or licensed engineer shall be required for any component or element designed
35 and sealed by a licensed architect or licensed engineer for the manufacturer of the component
36 or element under the North Carolina State Building Code or the North Carolina Residential
37 Code for One- and Two-Family Dwellings."

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

39 "(e) Other than what may be required by G.S. 160A-412(c), no further certification by a
40 licensed architect or licensed engineer shall be required for any component or element designed
41 and sealed by a licensed architect or licensed engineer for the manufacturer of the component
42 or element under the North Carolina State Building Code or the North Carolina Residential
43 Code for One- and Two-Family Dwellings."

44 **SECTION 4.(a)** G.S. 153A-352 is amended by adding a new subsection to read:

45 "(f) Each inspection department shall implement a process for an informal internal
46 review of inspection decisions made by the department's inspectors. This process shall include,
47 at a minimum, the following:

- 48 (1) Initial review by the supervisor of the inspector.
- 49 (2) The provision in or with each permit issued by the department of (i) the
50 name, phone number, and e-mail address of the supervisor of each inspector
51 and (ii) a notice of availability of the informal internal review process.

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

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

5 **SECTION 4.(b)** G.S. 160A-412 is amended by adding a new subsection to read:

6 "(f) Each inspection department shall implement a process for an informal internal
7 review of inspection decisions made by the department's inspectors. This process shall include,
8 at a minimum, the following:

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

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

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

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

17 **SECTION 4.(c)** Each inspection department shall report to the Joint Legislative
18 Committee on Local Government no later than January 15 of each year on the implementation
19 over the prior calendar year of the informal internal review process required by
20 G.S. 153A-352(f) and G.S. 160A-412(f), as enacted by subsections (a) and (b), respectively, of
21 this section. The report shall include the number of times the informal internal review process
22 was utilized and the outcome of the review. An inspection department may meet the reporting
23 requirement of this section by submitting the information required for the report to an
24 organization of cities or counties for combination into a single report submitted on behalf of the
25 organization's members.

26 **SECTION 4.(d)** Subsections (a) and (b) of this section become effective December
27 1, 2017. Subsection (c) of this section becomes effective January 1, 2018, and expires on June
28 30, 2022. The first reports required to be prepared pursuant to subsection (c) of this section
29 shall be submitted no later than January 15, 2018.

30 **SECTION 5.** G.S. 143-136 reads as rewritten:

31 "**§ 143-136. Building Code Council created; membership, committees.**

32 ...

33 (c) Residential Code Committee Created; Duties. – Within the Building Code Council,
34 there is hereby created a Residential Code for One- and Two-Family Dwellings Committee
35 composed of seven members of the Building Code Council, specifically the licensed general
36 contractor specializing in residential construction who shall serve as chairman of this
37 committee; the licensed general contractor specializing in coastal residential construction; the
38 licensed engineer practicing structural engineering; the licensed plumbing and heating
39 contractor; the fire service representative; the municipal or county building inspector; and the
40 licensed electrical contractor. This committee shall meet upon the call of its chairman to review
41 any proposal for revision or amendment to the North Carolina State Building Code: Residential
42 Code for One- and Two-Family Dwellings, including provisions applicable to One- and
43 Two-Family Dwellings from the NC Energy Code, NC Electrical Code, NC Fuel Gas Code,
44 NC Plumbing Code, the NC Mechanical Code, ~~and~~ the NC Existing Building Code, and any
45 other code applicable to residential construction, and no revision or amendment to any of these
46 codes applicable to residential construction may be considered by the Building Code Council
47 unless recommended by this committee. This committee shall also oversee the process by
48 which the Council conducts its revision pursuant to G.S. 143-138(d). This committee shall also
49 consider any appeal or interpretation arising under G.S. 143-141 pertaining to North Carolina
50 State Building Code: Residential Code for One- and Two-Family Dwellings and make a
51 recommendation to the Building Code Council for disposition of the appeal or interpretation. In

1 considering the recommendations of the committee related to revisions and amendments of the
2 Building Code, nothing in this subsection shall prevent the Building Code Council from
3 accepting, rejecting, or amending the recommendation, provided that any amendment to the
4 recommendation must be germane.

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

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

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

39 **SECTION 6.** G.S. 143-140 reads as rewritten:

40 "**§ 143-140. Hearings before enforcement agencies as to questions under Building Code.**

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

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

1 (b) If an interpretation under this section or under G.S. 143-141(b) changes after a
2 building permit is issued, the permit applicant may choose which version of the interpretation
3 will apply to the permit, unless such a choice would cause harm to life or property."

4 **SECTION 7.** G.S. 143-355.4(a) reads as rewritten:

5 (a) Local government water systems and large community water systems shall require
6 separate meters for new in-ground irrigation systems on lots platted and recorded in the office
7 of the register of deeds in the county or counties in which the real property is located after July
8 1, 2009, that are connected to their systems. This section shall not apply to lots with privately
9 owned septic tanks systems or other types of privately owned innovative on-site wastewater
10 systems if a lockable cutoff valve approved by the water system and a testable backflow
11 prevention device approved by the water system for the appropriate level of risk associated
12 with the irrigation system or other identified risk are installed on the water supply line for the
13 irrigation system. The lockable cutoff value shall be installed on the water supply line for the
14 irrigation system within 24 inches of the water meter and the testable backflow device shall be
15 installed on the water supply line for the irrigation system."

16 **SECTION 8.(a)** G.S. 143-138(b4) reads as rewritten:

17 **"§ 143-138. North Carolina State Building Code.**

18 ...

19 (b4) Exclusion for Certain Farm Buildings. – Building rules do not apply to (i) farm
20 buildings that are located outside the building-rules jurisdiction of any municipality, (ii) farm
21 buildings that are located inside the building-rules jurisdiction of any municipality if the farm
22 buildings are ~~greenhouses, greenhouses or therapeutic equine facilities~~, (iii) a primitive camp, or
23 (iv) a primitive farm building. For the purposes of this subsection:

24 (1) A "farm building" shall include:

- 25 a. Any structure used or associated with equine activities, including, but
26 not limited to, the care, management, boarding, or training of horses
27 and the instruction and training of riders. Structures that are
28 associated with equine activities include, but are not limited to, free
29 standing or attached sheds, barns, or other structures that are utilized
30 to store any equipment, tools, commodities, or other items that are
31 maintained or used in conjunction with equine activities. The specific
32 types of equine activities, structures, and uses set forth in this
33 subdivision are for illustrative purposes, and should not be construed
34 to limit, in any manner, the types of activities, structures, or uses that
35 may be considered under this subsection as exempted from building
36 rules. A farm building that might otherwise qualify for exemption
37 from building rules shall remain subject only to an annual safety
38 inspection by the applicable city or county building inspection
39 department of any grandstand, bleachers, or other spectator-seating
40 structures in the farm building. An annual safety inspection shall
41 include an evaluation of the overall safety of spectator-seating
42 structures as well as ensuring the spectator-seating structure's
43 compliance with any building codes related to the construction of
44 spectator-seating structures in effect at the time of the construction of
45 the spectator-seating.
- 46 b. Any structure used for the display and sale of produce, no more than
47 1,000 square feet in size, open to the public for no more than 180
48 days per year, and certified by the Department of Agriculture and
49 Consumer Services as a Certified Roadside Farm Market.
- 50 c. Any unoccupied structure built upon land owned by the State of
51 North Carolina and administratively allocated to the North Carolina

1 Department of Agriculture and Consumer Services or North Carolina
2 State University which is used primarily for forestry production and
3 research or agriculture production and research. The term
4 "agriculture" has the same meaning as in G.S. 106-581.1. The term
5 "unoccupied" does not exclude the keeping of livestock.

6 (1a) A "farm building" shall not lose its status as a farm building because it is
7 used for public or private events, including, but not limited to, weddings,
8 receptions, meetings, demonstrations of farm activities, meals, and other
9 events that are taking place on the farm because of its farm or rural setting.

10 (2) A "greenhouse" is a structure that has a glass or plastic roof, has one or more
11 glass or plastic walls, has an area over ninety-five percent (95%) of which is
12 used to grow or cultivate plants, is built in accordance with the National
13 Greenhouse Manufacturers Association Structural Design manual, and is not
14 used for retail sales. Additional provisions addressing distinct life safety
15 hazards shall be approved by the local building-rules jurisdiction.

16 (2a) A "therapeutic equine facility" is an equine facility as described in
17 sub-subdivision (1)a. of this subsection operated by an organization exempt
18 from federal income tax under section 501(c)(3) of the Internal Revenue
19 Code that provides therapeutic equine-related activities for persons who are
20 physically, intellectually, or emotionally challenged.

21"

22 **SECTION 8.(b)** This section is effective when the act becomes law.

23 **SECTION 9.** Except as otherwise provided, this act becomes effective October 1,

24 2017.