

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1410
PROPOSED COMMITTEE SUBSTITUTE H1410-PCS10971-RO-42

Short Title: Building Code Exclusion/Hot Water Heaters.

(Public)

Sponsors:

Referred to:

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 an electric 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 is installed in accordance with the current edition of the State Building Code.
- (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 an electric 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 is installed in accordance with the current edition of the State Building Code.

~~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 State and local laws and local ordinances and regulations. Nothing in this section shall require a



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

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

22 "**§ 160A-417. Permits.**

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

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

44 ~~without first securing from the inspection department with jurisdiction over the site of the work~~
 45 ~~any and all permits required by the State Building Code and any other State or local laws~~
 46 ~~applicable to the work.~~ A permit shall be in writing and shall contain a provision that the work
 47 done shall comply with the State Building Code and all other applicable State and local laws.
 48 Nothing in this section shall require a city to review and approve residential building plans
 49 submitted to the city pursuant to Section R-110 of Volume VII of the North Carolina State
 50 Building Code; provided that the city may review and approve such residential building plans
 51 as it deems necessary. No permits shall be issued unless the plans and specifications are

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

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