

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL DRS55035-MH-49A* (02/14)

Short Title: Building Code Regulatory Reform. (Public)

Sponsors: Senators Brock, McInnis, and Clark (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES AND CLARIFICATIONS TO THE STATUTES
3 GOVERNING THE CREATION AND ENFORCEMENT OF BUILDING CODES.

4 The General Assembly of North Carolina enacts:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **SECTION 4.** 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 current or future code applicable to residential construction, and no revision or
46 amendment to any of these codes applicable to residential construction may be considered by
47 the Building Code Council unless recommended by this committee. This committee shall also
48 oversee the process by which the Council conducts its revision pursuant to G.S. 143-138(d).
49 This committee shall also consider any appeal or interpretation arising under G.S. 143-141
50 pertaining to North Carolina State Building Code: Residential Code for One- and Two-Family
51 Dwellings and make a recommendation to the Building Code Council for disposition of the

1 appeal or interpretation. In considering the recommendations of the committee related to
2 revisions and amendments of the Building Code, nothing in this subsection shall prevent the
3 Building Code Council from accepting, rejecting, or amending the recommendation, provided
4 that any amendment to the 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 current or future code applicable to commercial or multi-family construction, and
28 no revision or amendment to any of these codes applicable to commercial or multi-family
29 construction may be considered by the Building Code Council unless recommended by this
30 committee. This committee shall also oversee the process by which the Council conducts its
31 revision of the codes applicable to commercial or multi-family construction pursuant to
32 G.S. 143-138(d). This committee shall also consider any appeal or interpretation arising under
33 G.S. 143-141 pertaining to codes applicable to commercial or multi-family construction and
34 make a recommendation to the Building Code Council for disposition of the appeal or
35 interpretation. In considering the recommendations of the committee related to revisions and
36 amendments of the Building Code, nothing in this subsection shall prevent the Building Code
37 Council from accepting, rejecting, or amending the recommendation, provided that any
38 amendment to the recommendation must be germane."

39 **SECTION 5.** 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) The enforcement agency shall not apply interpretations issued under this section or
2 under G.S. 143-141(b) to construction begun under a validly issued permit at the time the
3 agency provides the interpretation."

4 **SECTION 6.** 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 septic tank
9 systems or other types of innovative on-site wastewater systems if a lockable cutoff valve and a
10 backflow prevention device are installed on the water supply line for the irrigation system
11 within 12 inches of the connection to the water meter."

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