

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 252
Committee Substitute Favorable 3/28/17
Third Edition Engrossed 3/29/17
PROPOSED SENATE COMMITTEE SUBSTITUTE H252-PCS40587-BB-11

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.

(b1) 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~~Dwellings or the North Carolina Building Code."

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.

(b1) 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



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1 requirements of the North Carolina Residential Code for One- and Two-Family
2 ~~Dwellings.~~Dwellings or the North Carolina Building Code."

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

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

8 (1) The submission is completed under valid seal of the licensed architect or
9 licensed engineer.

10 (2) Field inspection of the installation or completion of a construction
11 component or element of the building is performed by ~~that~~a licensed
12 architect or licensed ~~engineer-engineer~~ or a person under the direct
13 supervisory control of the licensed architect or licensed engineer.

14 (3) ~~That~~The licensed architect or licensed engineer under subdivision (2) of this
15 subsection provides the county with a signed written document stating the
16 component or element of the building so inspected is in compliance with the
17 North Carolina State Building Code or the North Carolina Residential Code
18 for One- and Two-Family Dwellings."

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

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

24 (1) The submission is completed under valid seal of the licensed architect or
25 licensed engineer.

26 (2) Field inspection of the installation or completion of a construction
27 component or element of the building is performed by ~~that~~a licensed
28 architect or licensed ~~engineer-engineer~~ or a person under the direct
29 supervisory control of the licensed architect or licensed engineer.

30 (3) ~~That~~The licensed architect or licensed engineer under subdivision (2) of this
31 subsection provides the city with a signed written document stating the
32 component or element of the building so inspected is in compliance with the
33 North Carolina State Building Code or the North Carolina Residential Code
34 for One- and Two-Family Dwellings."

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

36 "(e) Other than what may be required by subsection (c) of this section, no further
37 certification by a licensed architect or licensed engineer shall be required for any component or
38 element designed and sealed by a licensed architect or licensed engineer for the manufacturer
39 of the component or element under the North Carolina State Building Code or the North
40 Carolina Residential Code for One- and Two-Family Dwellings."

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

42 "(e) Other than what may be required by subsection (c) of this section, no further
43 certification by a licensed architect or licensed engineer shall be required for any component or
44 element designed and sealed by a licensed architect or licensed engineer for the manufacturer
45 of the component or element under the North Carolina State Building Code or the North
46 Carolina Residential Code for One- and Two-Family Dwellings."

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

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

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

9 "(f) Each inspection department shall implement a process for an informal internal
10 review of inspection decisions made by the department's inspectors. This process shall include,
11 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 e-mail 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 4.(c)** Each inspection department shall report to the Joint Legislative
21 Committee on Local Government no later than January 15 of each year on the implementation
22 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 (a) and (b), respectively, of
24 this section. The report shall include the number of times the informal internal review process
25 was utilized and the outcome of the review. An inspection department may meet the reporting
26 requirement of this section by submitting the information required for the report to an
27 organization of cities or counties for combination into a single report submitted on behalf of the
28 organization's members.

29 **SECTION 4.(d)** Subsections (a) and (b) of this section become effective December
30 1, 2017. Subsection (c) of this section becomes effective January 1, 2018, and expires on June
31 30, 2022. The first reports required to be prepared pursuant to subsection (c) of this section
32 shall be submitted no later than January 15, 2018.

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

34 "**§ 143-136. Building Code Council created; membership, committees.**

35 ...

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

1 consider any appeal or interpretation arising under G.S. 143-141 pertaining to North Carolina
2 State Building Code: Residential Code for One- and Two-Family Dwellings and make a
3 recommendation to the Building Code Council for disposition of the appeal or interpretation. In
4 considering the recommendations of the committee related to revisions and amendments of the
5 Building Code, nothing in this subsection shall prevent the Building Code Council from
6 accepting, rejecting, or amending the recommendation, provided that any amendment to the
7 recommendation must be germane.

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

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

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

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

43 **"§ 143-140. Hearings before enforcement agencies as to questions under Building Code.**

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

- 51 (1) Appealing to the Building Code Council or

1 (2) Appealing directly to the Superior Court, as provided in G.S. 143-141.

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

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

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

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

18 **"§ 143-138. North Carolina State Building Code.**

19 ...

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

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

26 a. Any structure used or associated with equine activities, including, but
27 not limited to, the care, management, boarding, or training of horses
28 and the instruction and training of riders. Structures that are
29 associated with equine activities include, but are not limited to, free
30 standing or attached sheds, barns, or other structures that are utilized
31 to store any equipment, tools, commodities, or other items that are
32 maintained or used in conjunction with equine activities. The specific
33 types of equine activities, structures, and uses set forth in this
34 subdivision are for illustrative purposes, and should not be construed
35 to limit, in any manner, the types of activities, structures, or uses that
36 may be considered under this subsection as exempted from building
37 rules. A farm building that might otherwise qualify for exemption
38 from building rules shall remain subject only to an annual safety
39 inspection by the applicable city or county building inspection
40 department of any grandstand, bleachers, or other spectator-seating
41 structures in the farm building. An annual safety inspection shall
42 include an evaluation of the overall safety of spectator-seating
43 structures as well as ensuring the spectator-seating structure's
44 compliance with any building codes related to the construction of
45 spectator-seating structures in effect at the time of the construction of
46 the spectator-seating.

47 b. Any structure used for the display and sale of produce, no more than
48 1,000 square feet in size, open to the public for no more than 180
49 days per year, and certified by the Department of Agriculture and
50 Consumer Services as a Certified Roadside Farm Market.

c. Any unoccupied structure built upon land owned by the State of North Carolina and administratively allocated to the North Carolina Department of Agriculture and Consumer Services or North Carolina State University which is used primarily for forestry production and research or agriculture production and research. The term "agriculture" has the same meaning as in G.S. 106-581.1. The term "unoccupied" does not exclude the keeping of livestock.

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

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

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

...."

SECTION 8.(b) This section is effective when this act becomes law.

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

2017.