

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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February 28, 2023

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A BILL TO BE ENTITLED

AN ACT TO AMEND VARIOUS DEVELOPMENT REGULATIONS; AMEND VARIOUS NORTH CAROLINA STATE BUILDING CODES; AMEND VARIOUS CONSTRUCTION CONTRACTORS AND DESIGN PROFESSIONALS REGULATIONS; AMEND VARIOUS ENVIRONMENT AND ENVIRONMENTAL HEALTH REGULATIONS; REORGANIZE THE BUILDING CODE COUNCIL; AND REMOVE ETJ WITHIN THE COUNTY OF MOORE.

The General Assembly of North Carolina enacts:

**PART I. DEVELOPMENT REGULATIONS**

**PROHIBIT CERTAIN BACKFLOW PREVENTER INSTALLATIONS**

**SECTION 1.1.(a)** Article 10 of Chapter 130A of the General Statutes is amended by adding a new section to read:

**"§ 130A-330. Local authority to require backflow preventers.**

(a) No public water system owned or operated by a local government unit, as that term is defined in G.S. 159G-20(13), shall require a customer to install a backflow preventer not otherwise required by State or federal law, except where the degree of hazard from the customer's connection is determined to be severe by the system or the Department.

(b) The limitation established in subsection (a) of this section shall not be construed to prohibit requirements for installation of backflow preventers pursuant to the State Plumbing Code due to retrofit or upfit/fit-up to the customer's plumbing, or facility addition on the customer's property.

(c) For purposes of this section, the following definitions apply:

(1) "Backflow preventer" means an assembly, device, or method that prohibits the backflow of water into potable water supply systems.

(2) "Severe hazard" means an actual or potential threat of contamination that presents an imminent danger to the public health with consequence of serious illness or death."

**SECTION 1.1.(b)** This section is effective when it becomes law and applies to requirements for installation of backflow preventers made by a public water supply on or after that date.

**PROHIBIT DUPLICATIVE WATER SERVICE SHUT-OFF VALVE REQUIREMENTS IN CERTAIN RESIDENTIAL DWELLINGS**



1           **SECTION 1.2.(a)** Article 10 of Chapter 130A of the General Statutes is amended by  
2 adding a new section to read:

3 **"§ 130A-331. Prohibit duplicative water service shut-off valves.**

4       All persons and units of local government locating, constructing, altering or operating, or  
5 intending to locate, construct, alter or operate a public water system, as defined in G.S. 130A-  
6 313, are prohibited from requiring the installation of a redundant inline water service shutoff or  
7 cutoff valve between a water service meter and a customer receiving water service within a  
8 dwelling subject to the North Carolina Residential Code. This section does not apply to: (i)  
9 integrated valves attached or located within a water meter box for the purpose of water meter  
10 installation, repair, or replacement, or (ii) valves installed as an accessible main shutoff valve  
11 near the entrance of water service as required by the North Carolina Residential Code."

12           **SECTION 1.2.(b)** This section becomes effective January 1, 2025.

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14 **BUILDING PERMIT FEES FOR INSPECTION DEPARTMENT CLARIFICATION**

15           **SECTION 1.3.(a)** G.S. 160D-402 reads as rewritten:

16 **"§ 160D-402. Administrative staff.**

17       (a) Authorization. – Local governments may appoint administrators, inspectors,  
18 enforcement officers, planners, technicians, and other staff to develop, administer, and enforce  
19 development regulations authorized by this Chapter.

20       (b) Duties. – Duties assigned to staff may include, but are not limited to, drafting and  
21 implementing plans and development regulations to be adopted pursuant to this Chapter;  
22 determining whether applications for development approvals are complete; receiving and  
23 processing applications for development approvals; providing notices of applications and  
24 hearings; making decisions and determinations regarding development regulation  
25 implementation; determining whether applications for development approvals meet applicable  
26 standards as established by law and local ordinance; conducting inspections; issuing or denying  
27 certificates of compliance or occupancy; enforcing development regulations, including issuing  
28 notices of violation, orders to correct violations, and recommending bringing judicial actions  
29 against actual or threatened violations; keeping adequate records; and any other actions that may  
30 be required in order adequately to enforce the laws and development regulations under their  
31 jurisdiction. A development regulation may require that designated staff members take an oath  
32 of office. The local government shall have the authority to enact ordinances, procedures, and fee  
33 schedules relating to the administration and the enforcement of this Chapter. The administrative  
34 and enforcement provisions related to building permits set forth in Article 11 of this Chapter shall  
35 be followed for those permits.

36       (c) Alternative Staff Arrangements. – A local government may enter into contracts with  
37 another city, county, or combination thereof under which the parties agree to create a joint staff  
38 for the enforcement of State and local laws specified in the agreement. The governing boards of  
39 the contracting parties may make any necessary appropriations for this purpose.

40       In lieu of joint staff, a governing board may designate staff from any other city or county to  
41 serve as a member of its staff with the approval of the governing board of the other city or county.  
42 A staff member, if designated from another city or county under this section, shall, while  
43 exercising the duties of the position, be considered an agent of the local government exercising  
44 those duties. The governing board of one local government may request the governing board of  
45 a second local government to direct one or more of the second local government's staff members  
46 to exercise their powers within part or all of the first local government's jurisdiction, and they  
47 shall thereupon be empowered to do so until the first local government officially withdraws its  
48 request in the manner provided in G.S. 160D-202.

49       A local government may contract with an individual, company, council of governments,  
50 regional planning agency, metropolitan planning organization, or rural planning agency to  
51 designate an individual who is not a city or county employee to work under the supervision of

1 the local government to exercise the functions authorized by this section. The local government  
2 shall have the same potential liability, if any, for inspections conducted by an individual who is  
3 not an employee of the local government as it does for an individual who is an employee of the  
4 local government. The company or individual with whom the local government contracts shall  
5 have errors and omissions and other insurance coverage acceptable to the local government.

6 (d) Financial Support. – The local government may appropriate for the support of the  
7 staff any funds that it deems necessary. It shall have power to fix reasonable fees for support,  
8 administration, and implementation of programs authorized by this ~~Chapter, and all Chapter. All~~  
9 ~~such fees collected by a building inspection department for the administration and enforcement~~  
10 ~~of provisions set forth in Article 11 of this Chapter shall be used for to support the administration~~  
11 ~~and operations of the building inspection department and for no other purposes.~~ When an  
12 inspection, for which the permit holder has paid a fee to the local government, is performed by a  
13 marketplace pool Code-enforcement official upon request of the State Fire Marshal under  
14 G.S. 143-151.12(9)a., the local government shall promptly return to the permit holder the fee  
15 collected by the local government for such inspection. This subsection applies to the following  
16 types of inspection: plumbing, electrical systems, general building restrictions and regulations,  
17 heating and air-conditioning, and the general construction of buildings."

18 **SECTION 1.3.(b)** This section becomes effective July 1, 2024.

#### 19 **RESIDENTIAL PLAN REVIEW FEE REIMBURSEMENT**

20 **SECTION 1.4.(a)** G.S. 160D-1110(b) reads as rewritten:

21 "(b) A building permit shall be in writing and shall contain a provision that the work done  
22 shall comply with the North Carolina State Building Code and all other applicable State and local  
23 laws. Nothing in this section requires a local government to review and approve residential  
24 building plans submitted to the local government pursuant to the North Carolina Residential  
25 Code, so long as the local government may review and approve the residential building plans as  
26 it deems necessary. If a local government chooses to review residential building plans for any  
27 structures subject to regulation under the North Carolina Residential Code, all initial reviews for  
28 the building permit shall be performed within 15 business days of submission of the plans. A  
29 local government that reviews residential building plans for the purpose of building permit  
30 issuance shall perform its initial review concurrently with processes for project development  
31 approvals required from other State, federal, and local agencies. A failure to conduct initial  
32 reviews within 15 business days as required by this subsection entitles a building permit applicant  
33 to a refund of ten percent (10%) of their total permit application fee per business day, up to 10  
34 business days. A local government shall not require residential building plans for one- and  
35 two-family dwellings to be sealed by a licensed engineer or licensed architect unless required by  
36 the North Carolina State Building Code. No building permits shall be issued unless the plans and  
37 specifications are identified by the name and address of their author. If the General Statutes  
38 require that plans for certain types of work be prepared only by a licensed architect or licensed  
39 engineer, no building permit shall be issued unless the plans and specifications bear the North  
40 Carolina seal of a licensed architect or of a licensed engineer. When any provision of the General  
41 Statutes or of any ordinance or development or zoning regulation requires that work be done by  
42 a licensed specialty contractor of any kind, no building permit for the work shall be issued unless  
43 the work is to be performed by a licensed contractor."

44 **SECTION 1.4.(b)** This section becomes effective July 1, 2024, and applies to permit  
45 applications submitted on or after that date.

#### 46 **CLARIFY PUBLIC SAFETY ISSUES FOR WITHHOLDING BUILDING PERMITS OR** 47 **CERTIFICATES OF OCCUPANCY**

48 **SECTION 1.5.** G.S. 160D-1110(h) reads as rewritten:  
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1       "(h) No local government shall withhold a building permit or certificate of occupancy that  
2 otherwise would be eligible to be issued under this section to compel, with respect to another  
3 property or parcel, completion of work for a separate permit or compliance with land-use  
4 regulations under this Chapter unless otherwise authorized by law or unless the local government  
5 reasonably determines the existence of a public safety issue directly related to the issuance of a  
6 building permit or certificate of occupancy. For the purposes of this subsection, a "public safety  
7 issue" shall not include improvement, installation, placement, repair, or replacement of any of  
8 the following:

- 9           (1) Landscaping around dwellings subject to the North Carolina Residential Code  
10           within individual lots.  
11           (2) Landscaping within common areas within a subdivision development.  
12           (3) Street lighting fixtures within common areas of a subdivision development."  
13

#### 14 **PROHIBIT UNRESTRICTED RIGHT OF ENTRY AS A CONDITION TO** 15 **DEVELOPMENT APPROVALS**

16       **SECTION 1.6.(a)** G.S. 160D-403(e) reads as rewritten:

17       "(e) Inspections. – Administrative staff may inspect work undertaken pursuant to a  
18 development approval to assure that the work is being done in accordance with applicable State  
19 and local laws and the terms of the approval. In exercising this power, staff may enter any  
20 premises within the jurisdiction of the local government at all reasonable hours for the purposes  
21 of inspection or other enforcement action, upon presentation of proper credentials, so long as the  
22 appropriate consent has been given for inspection of areas not open to the public or an appropriate  
23 inspection warrant has been secured. Administrative staff are prohibited from requiring  
24 unrestricted written consent from a permit applicant to enter any premises or areas not open to  
25 the public as a condition to accepting an application for, or the issuance of, development  
26 approvals."

27       **SECTION 1.6.(b)** Local governments and administrative staff are prohibited from  
28 acting upon unrestricted written consent from a permit applicant to enter any premises or areas  
29 not open to the public as a condition to accepting an application for, or the issuance of,  
30 development approvals, obtained prior to the effective date of this subsection (a) of this section.  
31 This subsection shall not be construed to invalidate a validly issued administrative warrant,  
32 administrative inspection warrant, administrative search warrant, or inspection warrant which  
33 has been secured by local government or administrative staff pursuant to G.S. 160D-403(e) or  
34 G.S. 15-27.2, or construed to prohibit periodic inspections authorized by G.S. 160D-1117 or G.S.  
35 160D-1207.

#### 36 37 **PROHIBIT TECHNICAL CODE COMPLIANCE AFFIDAVITS**

38       **SECTION 1.7.** G.S. 160D-1104(c) reads as rewritten:

39       "(c) In performing the specific inspections required by the North Carolina State Building  
40 Code, the inspector shall conduct all inspections requested by the permit holder for each  
41 scheduled inspection. For each requested inspection, the inspector shall inform the permit holder  
42 of instances in which the work inspected fails to meet the requirements of the North Carolina  
43 State Building Code. An inspector is prohibited from requiring affidavits attesting that work is  
44 in compliance with the North Carolina Residential Code in lieu of conducting inspections  
45 required for work subject to the North Carolina Residential Code."  
46

#### 47 **LOCAL GOVERNMENT CURB AND GUTTER DESIGN STANDARDS**

48       **SECTION 1.8.(a)** G.S. 160D-804 is amended by adding a new subsection to read:

49       "(k) Curb and Gutter Design Standards. – Notwithstanding G.S. 160A-307 and G.S. 160D-  
50 916, the regulation shall not limit, or prohibit the use of, curb and gutter design standards adopted

1 by the North Carolina Department of Transportation for subdivision roads adjacent to, and  
2 servicing, dwellings subject to the North Carolina Residential Code."

3 **SECTION 1.8.(b)** This section becomes effective October 1, 2024, and applies to  
4 permit applications submitted on or after that date.

5  
6 **PROHIBIT SUPPLEMENTAL REMOTE RESIDENTIAL PARKING FACILITIES**  
7 **WITHIN SUBDIVISION DEVELOPMENTS**

8 **SECTION 1.9.(a)** G.S. 160D-804 is amended by adding a new subsection to read:

9 "(l) Supplemental Remote Residential Parking Facilities. – The regulation shall not  
10 require the addition of supplemental remote residential parking facility requirements within  
11 subdivision developments. For the purposes of this subsection, a "supplemental remote  
12 residential parking facility" means a parking area, parking facility, or parking lot designed as a  
13 per dwelling supplement to available on-street parking for the purpose of serving residential  
14 dwellings, subject to the North Carolina Residential Code, constructed within the subdivision  
15 development."

16 **SECTION 1.9.(b)** This section becomes effective October 1, 2024, and applies to  
17 permit applications submitted on or after that date.

18  
19 **MUNICIPAL PEDESTRIAN FACILITY REQUIREMENTS WITHIN ETJ FOR**  
20 **SUBDIVISION STREETS DESIGNATED AS PUBLIC**

21 **SECTION 1.10.(a)** G.S. 160D-804(c) is amended by adding a new subdivision to  
22 read:

23 "(5) A regulation adopted by a city shall not require a developer to design and  
24 construct pedestrian facilities, including sidewalks, within rights-of-way for  
25 new streets designated as public and to be submitted to the North Carolina  
26 Department of Transportation for review pursuant to G.S. 136-102.6, for small  
27 residential subdivisions located in areas subject to municipal planning and  
28 development regulation in an extraterritorial jurisdiction established pursuant  
29 to G.S. 160D-202, unless the city accepts long-term maintenance  
30 responsibilities by written agreement with the North Carolina Department of  
31 Transportation prior to construction of pedestrian facilities. For the purposes  
32 of this subdivision, "small residential subdivision" means a subdivision  
33 development that contains 20 individual lots or less."

34 **SECTION 1.10.(b)** A city that required a developer to design and construct  
35 pedestrian facilities on or after January 1, 2020, as described in G.S. 160D-804(c)(5) enacted by  
36 subsection (a) of this section, shall coordinate with the North Carolina Department of  
37 Transportation to accept long term maintenance responsibilities by written agreement for those  
38 pedestrian facilities as required by G.S. 160D-804(c)(5). Nothing in this section shall be  
39 construed to affect any long-term maintenance agreements between a municipality and the North  
40 Carolina Department of Transportation for pedestrian facilities described in G.S. 160D-804(c)(5)  
41 in effect on the effective date of this section.

42  
43 **G.S. 160D-804 TECHNICAL CORRECTION**

44 **SECTION 1.11.** G.S. 160D-804(j) reads as rewritten:

45 "(j) Private Driveway Pavement Design Standards. – The regulation shall not require  
46 pavement design standards for new private driveway construction that are more stringent than  
47 the minimum pavement design standards adopted by the North Carolina Department of  
48 Transportation. Notwithstanding any regulation adopted by the local government, the local  
49 government must accept engineered pavement design standards that do not meet minimum  
50 standards required by the Department of Transportation if the proposed design standard is signed  
51 and sealed by a duly licensed professional engineer, under Chapter 89C of the General Statutes,

1 and meets vehicular traffic and fire apparatus access requirements. This subsection applies to  
2 construction of new privately owned driveways, parking lots, and driving areas associated with  
3 parking lots within a new development or subdivision that the developer designates as private  
4 and that are intended to remain privately owned after construction. If driveways, parking lots,  
5 and driving areas associated with parking lots are constructed to pavement design standards that  
6 do not meet minimum standards required by a regulation adopted by the local government, as  
7 authorized by this subsection, the developer must include disclosures to prospective buyers as  
8 outlined in G.S. 136-102.6(f) prior to entering into any agreement or any conveyance with any  
9 prospective buyer. A local government is discharged and released from any liabilities, duties, and  
10 responsibilities imposed by this Article, or in common law, from any claim arising out of, or  
11 attributed to, the plan review or acceptance of signed and sealed pavement design standards  
12 submitted pursuant to this subsection. Nothing in this ~~section~~ subsection limits the authority of  
13 local governments or the Department of Transportation to regulate private roads, driveways, or  
14 street connections to a public system, or to regulate transportation and utilities, pursuant to  
15 subsection (c) of this section, or as otherwise authorized by law."  
16

## 17 **CLARIFY REQUIREMENTS FOR MODEL HOMES**

18 **SECTION 1.12.(a)** Chapter 160D of the General Statutes is amended by adding a  
19 new article to read:

20 "Article 15.

21 "Miscellaneous Provisions.

### 22 **"§ 160D-1501. Model homes within subdivision developments.**

23 (a) Definition. - For the purposes of this section, a "model home" means a residential  
24 dwelling built within a subdivision development constructed in compliance with the North  
25 Carolina Residential Code which will be temporarily utilized to display the dwellings and  
26 products offered, within the same subdivision development, to prospective purchasers.

27 (b) Temporary Mixed Occupancy; Temporary Certificate of Occupancy Issuance. – A  
28 model home may include an area designated as a Business Group B occupancy, including for use  
29 as a sales office and conducting development related business with prospective purchasers. Upon  
30 completing the construction of a model home, a local government may issue a temporary  
31 certificate of occupancy pursuant to G.S. 160D-1116 if the permit holder, in their request for the  
32 temporary certificate of occupancy, designates certain areas within the model home as a Business  
33 Group B occupancy.

34 (c) Accessibility Requirements. – An area designated as, or leading to, Business Group  
35 B occupancies within the model home must meet accessibility requirements as required by State  
36 and federal law. Any other areas shall only be utilized for display purposes for prospective buyers  
37 to view the developer's product and for no other purpose.

38 (d) Display Area Signage. – A permit holder receiving a temporary certificate of  
39 occupancy for a model home pursuant to subsection (b) of this section must conspicuously post  
40 and maintain signage at entrances to model home display areas specifying that the display area  
41 is only for prospective buyers to view the developer's product and for no other purpose.

42 (e) Utility Connections to Model Homes. – All persons and units of local government  
43 authorizing the connection of electrical, water, sewer, and any related utility services to a model  
44 home, must connect services requested by a permit holder upon issuance of a temporary  
45 certificate of occupancy to a model home pursuant to subsection (b) of this section.

46 (f) Permit Holder to Disconnect Bathroom Facilities and Signage. – A permit holder  
47 receiving a temporary certificate of occupancy for a model home pursuant to this section shall  
48 shut off all water to bathroom facilities within a model home and post signage on those bathrooms  
49 with accessible bathroom facility locations on the premises."

50 **SECTION 1.12.(b)** The section becomes effective January 1, 2025, and applies to  
51 applications for temporary certificates of occupancy submitted on or after that date.

**PERFORMANCE GUARANTEES FOR SUBDIVISIONS**

**SECTION 1.13.(a)** G.S. 160D-804.1 reads as rewritten:

**"§ 160D-804.1. Performance guarantees.**

To assure compliance with G.S. 160D-804 and other development regulation requirements, a subdivision regulation may provide for performance guarantees to assure successful completion of required improvements.

For purposes of this section, all of the following apply with respect to performance guarantees:

- (1) Type. – The type of performance guarantee shall be at the election of the developer. The term "performance guarantee" means any of the following forms of guarantee:
  - a. Surety bond issued by any company authorized to do business in this State.
  - b. Letter of credit issued by any financial institution licensed to do business in this State.
  - c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
- (1a) Duration. – The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.
- (1b) Extension. – A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (3) of this subsection and shall include the total cost of all incomplete improvements.
- (1c) Inspection. – A local government shall conduct an inspection of the improvements subject to a performance guarantee within 30 days of a request received from a developer and advise the developer whether the improvements are completed to the required specifications. In the event a local government and developer disagree whether a required improvement is completed to the specifications of a local government, a developer may obtain a certification under seal from a licensed professional engineer that the required improvements have been completed to the specifications of the local government.
- (2) Release. – The performance guarantee shall be returned or released, as appropriate, ~~in a timely manner~~ within 30 days upon the acknowledgement by the local government that the improvements for which the performance guarantee is being required are ~~complete~~ complete or upon receipt of a certification under seal from a professional engineer that the required improvements have been completed to the specification of the local government. The local government shall return letters of credit or escrowed

1 funds within 30 days upon completion of the required improvements to its  
2 specifications or upon acceptance of the required improvements, if the  
3 required improvements are subject to local government acceptance. When  
4 required improvements that are secured by a bond are completed to the  
5 specifications of the local government, or are accepted by the local  
6 government, if subject to its acceptance, upon request by the developer, the  
7 local government shall timely provide written acknowledgement that the  
8 required improvements have been completed.

9 (3) Amount. – The amount of the performance guarantee shall not exceed one  
10 hundred twenty-five percent (125%) of the reasonably estimated cost of  
11 completion at the time the performance guarantee is issued. The local  
12 government may determine the amount of the performance guarantee or use a  
13 cost estimate determined by the developer. The reasonably estimated cost of  
14 completion shall include one hundred percent (100%) of the costs for labor  
15 and materials necessary for completion of the required improvements. Where  
16 applicable, the costs shall be based on unit pricing. The additional twenty-five  
17 percent (25%) allowed under this subdivision includes inflation and all costs  
18 of administration regardless of how such fees or charges are denominated. The  
19 amount of any extension of any performance guarantee shall be determined  
20 according to the procedures for determining the initial guarantee and shall not  
21 exceed one hundred twenty-five percent (125%) of the reasonably estimated  
22 cost of completion of the remaining incomplete improvements still  
23 outstanding at the time the extension is obtained.

24 (3a) Timing. – A local government, at its discretion, may require the performance  
25 guarantee to be posted either at the time the plat is recorded or at a time  
26 subsequent to plat recordation.

27 (4) Coverage. – The performance guarantee shall only be used for completion of  
28 the required improvements and not for repairs or maintenance after  
29 completion. No performance guarantee, or other security, may be required for  
30 maintenance of any improvement once the improvement is completed to the  
31 specification of a local government or upon receipt of a certification under  
32 seal from a professional engineer that the required improvements have been  
33 completed to the specification of the local government.

34 (5) Legal responsibilities. – No person shall have or may claim any rights under  
35 or to any performance guarantee provided pursuant to this subsection or in the  
36 proceeds of any such performance guarantee other than the following:

- 37 a. The local government to whom the performance guarantee is provided.
- 38 b. The developer at whose request or for whose benefit the performance  
39 guarantee is given.
- 40 c. The person or entity issuing or providing the performance guarantee  
41 at the request of or for the benefit of the developer.

42 (6) Multiple guarantees. – The developer shall have the option to post one type of  
43 a performance guarantee as provided for in subdivision (1) of this section, in  
44 lieu of multiple bonds, letters of credit, or other equivalent security, for all  
45 development matters related to the same project requiring performance  
46 guarantees.

47 (7) Exclusion. – Performance guarantees associated with erosion control and  
48 stormwater control measures are not subject to the provisions of this section."

49 **SECTION 1.13.(b)** This section becomes effective January 1, 2025, and applies to  
50 permit applications submitted on or after that date.  
51



**PART II. NORTH CAROLINA STATE BUILDING CODE****LOCAL FIRE PREVENTION CODE UNIFORMITY WITHIN DWELLINGS SUBJECT TO THE NORTH CAROLINA RESIDENTIAL CODE****SECTION 2.1.** G.S. 143-138(e) reads as rewritten:

"(e) Effect upon Local Codes. – Except as otherwise provided in this section, the North Carolina State Building Code shall apply throughout the State, from the time of its adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any political subdivision of the State may adopt a fire prevention code and floodplain management regulations within its jurisdiction. Provided a political subdivision shall not adopt local fire prevention code provisions which apply to dwellings subject to the North Carolina Residential Code which are not prescriptively required by the North Carolina Residential Code. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within the corporate limits of the municipality and extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act; county jurisdiction shall include all other areas of the county. No such code or regulations, other than floodplain management regulations and those permitted by G.S. 160D-1128, shall be effective until they have been officially approved by the Building Code Council as providing adequate minimum standards to preserve and protect health and safety, in accordance with the provisions of subsection (c) above. Local floodplain regulations may regulate all types and uses of buildings or structures located in flood hazard areas identified by local, State, and federal agencies, and include provisions governing substantial improvements, substantial damage, cumulative substantial improvements, lowest floor elevation, protection of mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant materials, and other measures the political subdivision deems necessary considering the characteristics of its flood hazards and vulnerability. In the absence of approval by the Building Code Council, or in the event that approval is withdrawn, local fire prevention codes and regulations shall have no force and effect. Provided any local regulations approved by the local governing body which are found by the Council to be more stringent than the adopted statewide fire prevention code and which are found to regulate only activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and are not matters in conflict with the State Building Code, may be approved. Local governments may enforce the fire prevention code of the State Building Code using civil remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such civil remedies shall be as provided in G.S. 160D-1127.

A local government may not adopt any ordinance in conflict with the exemption provided by subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the exemption provided by subsection (c1) of this section."

**FIRE-RESISTANCE REQUIREMENTS FOR TOWNHOUSE END UNITS**

**SECTION 2.2.(a)** Definitions. – For purposes of this section, "Code" means the North Carolina State Building Code collection, and amendments to the Code, as adopted by the Council. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council.

**SECTION 2.2.(b)** Fire Resistance for Exterior Wall Rule. – Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to this section, the Council and local governments enforcing the Code shall follow the provisions of subsection (c)

1 of this section as it relates to Section R302 and Table R302.1 within the North Carolina  
2 Residential Code.

3 **SECTION 2.2.(c)** Implementation. – Notwithstanding R302 and Table R302.1  
4 within the North Carolina Residential Code, a fire separation distance between the exterior end  
5 wall of a townhouse building having a fire-resistance rating of 0 hours and closest interior lot  
6 line may be less than 3 feet when any exterior elements of an adjacent townhouse or building are  
7 located at a distance equal to or greater than 6 feet.

8 **SECTION 2.2.(d)** Additional Rulemaking Authority. – The Council shall adopt rules  
9 to amend Section R302 and Table R302.1 to be consistent with subsection (c) of this section.  
10 Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this section shall  
11 be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
12 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
13 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
14 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
15 G.S. 150B-21.3(b2).

16 **SECTION 2.2.(e)** Sunset. – This section expires when permanent rules adopted as  
17 required by subsection (d) of this section become effective.

## 18 **GROUND FAULT CIRCUIT-INTERRUPTER (GFCI) PROTECTION FOR SUMP** 19 **PUMPS LOCATED IN CRAWLSPACES AND BASEMENTS**

20 **SECTION 2.3.(a)** Definitions. – For purposes of this section, "Code" means the  
21 North Carolina State Building Code collection, and amendments to the Code, as adopted by the  
22 Council. As used in this section, "Council" means the Building Code Council. On or after January  
23 1, 2025, "Council" means the Residential Code Council.

24 **SECTION 2.3.(b)** GFCI Rule. – Until the effective date of the rules to amend the  
25 Code that the Council is required to adopt pursuant to this section, the Council and local  
26 governments enforcing the Code shall follow the provisions of subsection (c) of this section as it  
27 relates to Section 210.8 of the North Carolina Electrical Code.

28 **SECTION 2.3.(c)** Implementation. – For single-phase 15- and 20- ampere  
29 receptacles supplied by a branch circuit dedicated to electric sump pumps to prevent flooding  
30 installed in locations specified in Sections 210.8(A)(4) and 210.8(A)(5) that are required to have  
31 ground-fault circuit interrupter protection for personnel, the ground-fault circuit interrupter  
32 protection reset for those receptacles must be installed at a readily accessible location within the  
33 dwelling unit, and with an indicator light, and clear descriptive labeling to indicate that the  
34 receptacles are de-energized due to ground-fault protection application rendering the sump  
35 pumps inoperable.

36 **SECTION 2.3.(d)** Additional Rulemaking Authority. – The Council shall adopt rules  
37 to amend Section 210.8 of the North Carolina Electrical Code to be consistent with subsection  
38 (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant  
39 to this section shall be substantively identical to the provisions of subsection (c) of this section.  
40 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of  
41 the General Statutes. Rules adopted pursuant to this section shall become effective as provided  
42 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided  
43 in G.S. 150B-21.3(b2).

44 **SECTION 2.3.(e)** Sunset. – This section expires when permanent rules adopted as  
45 required by subsection (d) of this section become effective.

## 46 **STAIRWAY ADJACENT GLAZING REQUIREMENTS**

47 **SECTION 2.4.(a)** Definitions. – For purposes of this section, "Code" means the  
48 North Carolina State Building Code collection, and amendments to the Code, as adopted by the  
49  
50

1 Council. As used in this section, "Council" means the Building Code Council. On or after January  
2 1, 2025, "Council" means the Residential Code Council.

3 **SECTION 2.4.(b)** Stairway Glazing Rule. – Until the effective date of the rules to  
4 amend the Code that the Council is required to adopt pursuant to this section, the Council and  
5 local governments enforcing the Code shall follow the provisions of subsection (c) of this section  
6 as it relates to the Section R308.4 within the North Carolina Residential Code.

7 **SECTION 2.4.(c)** Implementation. – Notwithstanding Section R308.4, glazing  
8 adjacent to a landing at the top of a stairway or ramp that is located more than 18 inches above  
9 the landing shall not be considered to be a hazardous location.

10 **SECTION 2.4.(d)** Additional Rulemaking Authority. – The Council shall adopt rules  
11 to amend Section R308.4 of the North Carolina Residential Code to be consistent with subsection  
12 (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant  
13 to this section shall be substantively identical to the provisions of subsection (c) of this section.  
14 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of  
15 the General Statutes. Rules adopted pursuant to this section shall become effective as provided  
16 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided  
17 in G.S. 150B-21.3(b2).

18 **SECTION 2.4.(e)** Sunset. – This section expires when permanent rules adopted as  
19 required by subsection (d) of this section become effective.

## 20 **ELECTRIC WATER HEATER ELEVATION REQUIREMENTS**

21 **SECTION 2.5.(a)** Definitions. – For purposes of this section, "Code" means the  
22 North Carolina State Building Code collection, and amendments to the Code, as adopted by the  
23 Council. As used in this section, "Council" means the Building Code Council. On or after January  
24 1, 2025, "Council" means the Residential Code Council.

25 **SECTION 2.5.(b)** Water Heater Rule. – Until the effective date of the rules to amend  
26 the Code that the Council is required to adopt pursuant to this section, the Council and local  
27 governments enforcing the Code shall follow the provisions of subsection (c) of this section as it  
28 relates to the Section P2801.7 within the North Carolina Residential Code.

29 **SECTION 2.5.(c)** Implementation. – Notwithstanding Section P2801.7, elevation of  
30 the ignition source is not required for electric water heaters.

31 **SECTION 2.5.(d)** Additional Rulemaking Authority. – The Council shall adopt rules  
32 to amend Section P2801.7 of the North Carolina Residential Code to be consistent with  
33 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council  
34 pursuant to this section shall be substantively identical to the provisions of subsection (c) of this  
35 section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter  
36 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as  
37 provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as  
38 provided in G.S. 150B-21.3(b2).

39 **SECTION 2.5.(e)** Sunset. – This section expires when permanent rules adopted as  
40 required by subsection (d) of this section become effective.

## 41 **IMPLEMENTATION OF CODE CHANGES FOR USE OF CERTAIN INSULATION IN 42 UNVENTED ATTIC AND ENCLOSED RAFTER ASSEMBLIES**

43 **SECTION 2.6.** Section 6 of S.L. 2023-108 reads as rewritten:

### 44 **"AMEND INSULATION REQUIREMENTS FOR UNVENTED ATTIC AND 45 ENCLOSED RAFTER ASSEMBLIES**

46 **SECTION 6.(a)** Definitions. – As used in this section, "Code" means the current  
47 North Carolina State Building Code collection, and amendments to the Code, as adopted by the  
48 Council. For purposes of this section and its implementation, "R402 Rules" means provisions  
49 and tables within Section 402, Building Thermal Envelope, North Carolina – Residential  
50  
51

1 Provisions, of the North Carolina Energy Conversation Code. As used in this section, "Council"  
2 means the Building Code Council. On or after January 1, 2025, "Council" means the Building  
3 Code Council and the Residential Code Council as created in Section 1 of this act.

4 **SECTION 6.(b)** R402 Rules Amendment. – The Council shall amend R402 Rules  
5 to include, as an optional alternative to residential ceiling insulation minimums, minimum  
6 insulation requirements for the use of air-impermeable insulation in areas with unvented attic and  
7 unvented enclosed rafter assemblies. Until the effective date of the rules to amend the Code that  
8 the Council is required to adopt pursuant to this section, the Council and local governments  
9 enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to the  
10 R402 rules within the North Energy Conservation Code.

11 **SECTION 6.(c). Implementation.** - ~~The Council shall amend R402 Rules to include,~~  
12 ~~as an optional alternative to residential ceiling insulation minimums, minimum insulation~~  
13 ~~requirements for the use of air-impermeable insulation in unvented attic and unvented enclosed~~  
14 ~~rafter assemblies. In developing this amendment, the Council shall include in that optional~~  
15 ~~alternative that where~~Where R402 Rules require R-38 insulation in the ceiling, installing  
16 air-impermeable insulation, as follows, to the underside or directly above the roof deck shall be  
17 deemed to satisfy the R-38 ~~requirements:~~requirement in areas with unvented attic or unvented  
18 enclosed rafter assemblies: (i) R-20 (equivalent U-factor 0.05) for climate zone 3; (ii) R-25  
19 (equivalent U-factor 0.037) for climate zone 4; and (iii) R-25 (equivalent U-factor 0.037) for  
20 climate zone 5. These air-impermeable insulation alternative R-value minimums apply in  
21 residences with areas with unvented attic or unvented enclosed rafter assemblies and meeting the  
22 following criteria:

- 23 (1) The unvented attic or unvented enclosed rafter assemblies are constructed  
24 under Section R806.5 of the North Carolina Residential Code.
- 25 (2) The residence contains a mechanical ventilation system that operates on a  
26 positive, balanced, or hybrid pressure strategy.
- 27 (3) For residences with air-impermeable insulation installed below the roof deck,  
28 exposed portions of the roof rafters are wrapped by a minimum of R-3  
29 insulation unless directly covered by drywall or finished ceiling material. For  
30 residences with air-impermeable insulation installed above the roof deck, roof  
31 rafters do not require insulation wrapping if air-impermeable insulation  
32 installed above the roof deck is continuous.
- 33 (4) The residence obtains an ACH50 blower door test result of less than 3.0.
- 34 (5) The residence contains heating, cooling, and ventilation equipment and  
35 ductwork within thermal envelope.

36 **SECTION 6.(d)** Additional Rulemaking Authority. – The Council shall adopt rules  
37 to amend the R402 Rules to be consistent with subsection (c) of this section. Notwithstanding  
38 G.S. 150B-19(4), the rule adopted by the Council pursuant to this section shall be substantively  
39 identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section  
40 are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted  
41 pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10  
42 or more written objections had been received as provided in G.S. 150B-21.3(b2).

43 ~~**SECTION 6.(e)**~~ **SECTION 6.(e)** Sunset. – This section expires when permanent  
44 rules adopted as required by ~~subsection (b)~~subsection (d) of this section become effective."  
45

### 46 **IMPLEMENTATION OF CODE REQUIREMENTS DURING INCORPORATION OF** 47 **3- AND 4- FAMILY DWELLINGS INTO THE RESIDENTIAL CODE**

48 **SECTION 2.7.** Section 9 of S.L. 2023-108 reads as rewritten:  
49 **"AMEND THE RESIDENTIAL CODE TO INCLUDE THREE-AND FOUR-FAMILY**  
50 **DWELLINGS**

1           **SECTION 9.(a)** Definitions. – As used in this section, "Code" means the current  
2 North Carolina State Building Code collection and amendments to the Code, as adopted by the  
3 Council. As used in this section, "Council" means the Building Code Council. On or after January  
4 1, 2025, "Council" means the Residential Code Council as created in Section 1 of this act. As  
5 used in this section, a "three- and four-family dwelling" means a single building constructed with  
6 three- or four-dwelling units within the building that is two or less stories above grade plane,  
7 located solely on an individual lot.

8           **SECTION 9.(b)** The Council shall adopt rules to amend the North Carolina  
9 Residential Code to include ~~three family (triplex) and four family (quadplex)~~three- and four-  
10 family dwellings within its scope by modifying, transitioning, and establishing minimum  
11 prescriptive requirements to address the design and construction of those dwellings and make  
12 conforming changes to the Code in accordance with this section. In amending rules pursuant to  
13 this ~~subsection, section,~~ the Council shall not require greater than a 2-hour fire resistance rating  
14 for ~~triplex and quadplex~~three- and four-family dwelling common wall, floor, and ceiling  
15 separation assemblies or require automatic fire sprinkler systems within the North Carolina  
16 Residential Code. Until the effective date of the rules to amend the Code that the Council is  
17 required to adopt pursuant to this section, the Council and local governments enforcing the Code  
18 shall follow the provisions of this section and subsection (c) of this section as it relates to the  
19 construction of three- and four- family dwellings.

20           **SECTION 9.(c)** Implementation. - Three- and four-family dwellings shall be  
21 constructed in conformance with the North Carolina Residential Code, and in cases where the  
22 North Carolina Residential Code does not address materials, design, or methods of construction  
23 unique to three- and four-family dwellings, reasonable materials, design, or methods of  
24 construction shall be utilized and approved when in compliance with the intent and provisions  
25 of this section, and with reasonable extension of the provisions of the North Carolina  
26 Residential Code. Three- and four-family dwellings shall (i) be required to have a 2-hour fire  
27 resistance rating for three- and four-family dwelling common wall, floor, and ceiling separation  
28 assemblies; (ii) shall not be required to have automatic fire sprinkler systems installed; and (iii)  
29 shall have exits located on an exterior wall or through a common 2-hour fire resistant rated  
30 corridor to the public way.

31           **SECTION 9.(d)** Additional Rulemaking Authority. – The Council shall adopt rules  
32 to amend the Code to be consistent with subsection (c) of this section. Notwithstanding G.S.  
33 150B-19(4), the rule adopted by the Council pursuant to this section shall be substantively  
34 identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section  
35 are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted  
36 pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10  
37 or more written objections had been received as provided in G.S. 150B-21.3(b2).

38           **SECTION 9.(e)** Residential Contractor Classification Temporary Expansion. -  
39 Notwithstanding G.S. 87-10(b)(1a), 21 NCAC 12A .0202, and G.S. 87-13, a person in the State  
40 of North Carolina utilizing a residential contractor general contractor license classification may  
41 engage in all construction and demolition activity pertaining to the construction of three- and  
42 four-family dwellings, and the State Licensing Board for General Contractors shall not take  
43 disciplinary action against a licensee for the unauthorized practice of contracting solely on the  
44 basis of exceeding a residential contractor license classification pending the transition of the  
45 three- and four-family dwellings to the North Carolina Residential Code pursuant to this section.

46           ~~**SECTION 9.(e)**~~ **SECTION 9.(f)** Sunset. – This section expires when the permanent  
47 rules adopted as required by ~~subsection (b)~~subsection (d) of this section become effective.

48           ~~**SECTION 9.(d)**~~ **SECTION 9.(g)** This section is effective when it becomes law."

### 50 PART III. CONSTRUCTION CONTRACTORS AND DESIGN PROFESSIONALS

**COURT AWARDS FOR CONTRACTOR VIOLATIONS**

**SECTION 3.1.(a)** G.S. 87-25.1 reads as rewritten:

**"§ 87-25.1. Board may seek injunctive relief.**

(a) Whenever it appears to the Board that any person, firm or corporation is violating any of the provisions of this Article or of the rules and regulations of the Board promulgated under this Article, the Board may apply to the superior court for a restraining order and injunction to restrain the ~~violation; and the violation.~~ The superior courts have jurisdiction to grant the requested relief, irrespective of whether or not criminal prosecution has been instituted or administrative sanctions imposed by reason of the violation. ~~The court may award the Board its reasonable costs associated with the investigation and prosecution of the violation.~~

(b) When the Board prevails in actions brought under this section, the court shall award the Board its reasonable attorney's fee not to exceed five thousand dollars (\$5,000) plus the costs associated with obtaining the relief and the investigation and prosecution of the violation.

(c) Examination applicants who have failed to pay a court award pursuant to subsection (b) of this section shall not be allowed to take any examination offered by the Board until the award has been satisfied."

**SECTION 3.1.(b)** G.S. 87-48 reads as rewritten:

**"§ 87-48. Penalty for violation of Article; powers of Board to enjoin violation.**

(a) Any person, partnership, firm, or corporation that violates any of the provisions of this Article or that engages or offers to engage in the business of installing, maintaining, altering, or repairing within North Carolina any electric wiring, devices, appliances, or equipment without first having obtained a license under the provisions of this Article is guilty of a Class 2 misdemeanor.

(b) Whenever it shall appear to the State Board of Examiners of Electrical Contractors that any person, partnership, firm or corporation has violated, is violating, or threatens to violate any provisions of this Article, the Board may apply to the courts of the State for a restraining order and injunction to restrain such practices. If upon such application the court finds that any provision of this Article is being violated, or a violation thereof is threatened, the court shall issue an order restraining and enjoining such violations, and such relief may be granted regardless of whether criminal prosecution is instituted under the provisions of this Article. The venue for actions brought under this subsection shall be the superior court of any county in which such acts are alleged to have been committed or in the county where the defendants in such action reside.

(c) When the Board prevails in actions brought under this section, the court shall award the Board its reasonable attorney's fee not to exceed five thousand dollars (\$5,000) plus the costs associated with obtaining the relief and the investigation and prosecution of the violation.

(d) Examination applicants who have failed to pay a court award pursuant to subsection (c) of this section shall not be allowed to take any examination offered by the Board until the award has been satisfied."

**SECTION 3.1.(c)** This section is effective when it becomes law, and applies to actions filed or commenced on or after that date.

**AMEND ELECTRICAL CONTRACTOR LICENSURE REQUIREMENTS**

**SECTION 3.2.(a)** G.S. 87-43.3(a)(1) reads as rewritten:

"(1) Limited, under which a licensee shall be permitted to engage in a single electrical contracting project of a value, as established by the Board, not in excess of one hundred thousand dollars (\$100,000) and on which the equipment or installation in the contract is rated at not more than ~~600-1,000~~ volts. The limited classification and any special restricted classifications shall require no more than 3,000 hours of experience, of which, no less than 2,000 hours shall consist of primary experience gained by direct installation of electrical wiring and equipment governed by the National Electric Code."

1           **SECTION 3.2.(b)** This section becomes effective October 1, 2024.

2  
3           **FUEL GAS CODE REFERENCE FOR ELECTRICAL CONTRACTOR EXEMPTION**

4           **SECTION 3.3.** G.S. 87-43.1(8) reads as rewritten:

5           "(8) To the bonding of corrugated stainless steel tubing (CSST) gas piping systems  
6           as required under Section 310.1.1 of the ~~2012 N.C.~~North Carolina Fuel Gas  
7           Code."

8  
9           **CREATE A BUILDING CODE PERMIT TECHNICIAN CERTIFICATION**

10          **SECTION 3.4.(a)** G.S. 143-151.12 reads as rewritten:

11          "**§ 143-151.12. Powers.**

12           In addition to powers conferred upon the Board elsewhere in this Article, the Board has the  
13           power to do the following:

14           ...

15           (3a) Certify persons as being qualified under the provisions of this Article to be  
16           North Carolina State Building Code Permit Technicians.

17           ...."

18          **SECTION 3.4.(b)** Article 9C of Chapter 143 of the General Statutes is amended by  
19          adding a new section to read:

20          "**§ 143-151.22. North Carolina State Building Code Permit Technician; certification**  
21          **program; professional development requirements; renewal of certificates; fees;**  
22          **exam waivers.**

23           (a) State Building Code Permit Technician Certification Program. – The Board shall  
24           develop a North Carolina State Building Code Permit Technician certification program and North  
25           Carolina State Building Code Permit Technician Certificate. To obtain a certificate, a person  
26           must pass an examination, as prescribed by the Board, that is based on the North Carolina State  
27           Building Code, administrative procedures applicable to permit administration, and relevant  
28           topics in support of Code-enforcement officials and local inspection departments. The Board may  
29           issue a certificate to each person who successfully completes the examination. The certificate  
30           shall bear the signatures of the chairman and secretary of the Board.

31           (b) Professional Development Standards for Renewal. – The Board may establish  
32           professional development requirements for North Carolina State Building Code Permit  
33           Technicians as a condition of the renewal of their certificates. The purpose of these professional  
34           development requirements is to assist in maintaining professional competence. A certificate  
35           holder subject to this section shall present evidence to the Board at each certificate renewal after  
36           initial certification that during the 12 months before the certificate expiration date, the certificate  
37           holder has completed the required number of credit hours in courses approved by the Board.  
38           Annual continuing education hour requirements shall be determined by the Board. The Board  
39           may, for good cause shown, grant extensions of time to certificate holders to comply with these  
40           requirements.

41           (c) Renewal Application. – A North Carolina State Building Code Permit Technician  
42           Certificate must be renewed annually on or before the first day of July.

43           (d) Fee Authorization. – The Board shall establish a schedule of fees to be paid by each  
44           applicant for initial certification and renewal certification as a North Carolina State Building  
45           Code Permit Technician. A fee of not more than twenty dollars (\$20.00), as determined by the  
46           Board, must be paid by any applicant to the Board for the issuance of an initial certification. A  
47           fee of not more than ten dollars (\$10.00), as determined by the Board, must be paid by any  
48           applicant to the Board for the issuance of a renewal certification. The Board is authorized to  
49           charge an extra four dollar (\$4.00) late renewal fee for renewal applications made after the first  
50           day of July each year.

1       (e) Qualified Code-Enforcement Official Exam Waiver. – The Board shall, without  
2 requiring an examination, grant a certificate pursuant to this section to any person who, at the  
3 time of application, possesses a Building Inspector standard certificate issued by the Board and  
4 who is in good standing. The Board may assess a fee for a certificate issued pursuant to this  
5 subsection, to the extent authorized by subsection (d) of this section for an initial certification.

6       (f) Comity. – The Board may, without requiring an examination, grant a certificate  
7 pursuant to this section to any person who, at the time of application, is similarly certified as a  
8 permit technician in good standing by a similar board of another jurisdiction or certified as a  
9 permit technician in good standing by the International Code Council, where standards are  
10 acceptable to the Board. The certificate granted under this subsection shall expire after one year  
11 unless, within that time period, the holder completes a short course, as prescribed by the Board,  
12 based on the North Carolina State Building Code and administrative procedures described in  
13 subsection (a) of this section. The Board may assess a fee for a certificate issued pursuant to this  
14 subsection, to the extent authorized by subsection (d) of this section for an initial certification."

15       **SECTION 3.4.(c)** This section becomes effective July 1, 2024.

## 17 **APPLICATION FOR ARCHITECTURE LICENSURE EXAMINATION**

18       **SECTION 3.5.(a)** G.S. 83A-7 reads as rewritten:

### 19 **"§ 83A-7. Qualifications and examination requirements.**

20       (a) **Licensing by Examination.** – Any individual who is at least 18 years of age and of  
21 good moral character may make written application for examination by completion of a form  
22 prescribed by the Board accompanied by the required application fee. Subject to qualification  
23 requirements of this section, the applicant shall be entitled to an examination to determine  
24 qualifications for licensure.

25       (1) The qualification requirements for licensure by examination as a duly licensed  
26 architect shall be all of the following:

- 27       a. Practical training and experience as specified by rules of the Board.
- 28       b. The successful completion of a licensure examination in architecture  
29 as specified by the rules of the Board.
- 30       c. The successful completion of an accredited master's or bachelor's  
31 degree in architecture as specified by the rules of the Board.

32       (2) The Board shall adopt rules to set requirements for professional education,  
33 practical training and experience, and examination which must be met by  
34 applicants for licensure and which may be based on the published guidelines  
35 of nationally recognized councils or agencies for the accreditation,  
36 examination, and licensing for the architectural profession.

37       (b) **Licensing by Reciprocity.** – Any individual holding a current license for the practice  
38 of architecture from another state or territory, and holding a certified record issued by the  
39 National Council of Architectural Registration Boards, NCARB, may upon application and  
40 within the discretion of the Board be licensed without written examination. The Board may, in  
41 its discretion, waive the requirement for National Council of Architectural Registration Boards  
42 (NCARB) certified record if the qualifications, examination and licensing requirements of the  
43 state in which the applicant is licensed are substantially equivalent to those of this State and the  
44 applicant otherwise meets the requirements of this Chapter.

45       **(b1) Examination Eligibility by Established Experience.** – Notwithstanding sub-  
46 subdivision (a)(1)c. of this section, a person may apply for licensure by examination pursuant to  
47 this section, if the person meets either of the following criteria:

48       (1) The person (i) possesses at least 15 years of engineering practice as a licensed  
49 engineer pursuant to Chapter 89C of the General Statutes in good standing, (ii)  
50 possesses practical training, experience, and a degree in engineering as



1 specified by the rules of the Board, and (iii) the applicant otherwise meets the  
2 requirements of this Chapter.

3 (2) The person possesses an established record of relevant involvement, practical  
4 training, and substantial experience on architectural projects as specified by  
5 the rules of the Board for at least 20 years, and otherwise meets the  
6 requirements of this Chapter.

7 (c) Registration. – Any individual who is at least 18 years of age and of good moral  
8 character may apply for registration as a registered interior designer, and shall provide substantial  
9 evidence to the Board that the applicant meets one of the following requirements:

10 (1) The applicant shall provide a verification from the Council for Interior Design  
11 Qualification or its successor in interest as proof that he or she passed the  
12 NCIDQ examination and the applicant is an NCIDQ Certificate holder in good  
13 standing.

14 (2) The applicant is a licensed architect certified by the Board.

15 (d) Registration by Reciprocity. – The Board may accept satisfactory evidence of  
16 registration, licensure, or certification as an interior designer in another jurisdiction, if the  
17 jurisdiction's requirements for registration, licensure, or certification are substantially equivalent  
18 to or greater than those required for registration in this State at the date of application."

19 **SECTION 3.5.(b)** This section becomes effective October 1, 2024.

## 20 21 **LOCAL GOVERNMENT REVIEW OF SEALS OF DESIGN**

22 **SECTION 3.6.** Article 1 of Chapter 160D of the General Statutes is amended by  
23 adding a new section to read:

### 24 **"§ 160D-111. Local government review of affixed seals of design.**

25 Administrative staff, Code-enforcement officials, or other local government personnel  
26 charged with reviewing plans required by this Chapter shall not make administrative decisions  
27 on the appropriateness of the scope of work covered by architect or engineer seals of designs  
28 affixed to work as required by Chapter 83A, Chapter 89C, the North Carolina State Building  
29 Code, or as otherwise required by law. Nothing in this section should be construed to prevent a  
30 local government from reviewing work to determine whether seals of design are required to be  
31 affixed to work as required by law, or filing a complaint as outlined in G.S. 83A-14 or G.S. 89C-  
32 22, as applicable."

## 33 34 **PART IV. ENVIRONMENT AND ENVIRONMENTAL HEALTH**

### 35 36 **CLARIFY SECTION 13(b) OF 2023-108, WHICH PROHIBITED LOCAL** 37 **GOVERNMENTS FROM REQUIRING PAYMENTS FROM OWNERS OF** 38 **STORMWATER CONTROL SYSTEMS FOR FUTURE MAINTENANCE OR** 39 **REPLACEMENT COSTS OF A SYSTEM**

40 **SECTION 4.1.** Sec. 13(b) of S.L. 2023-108 reads as rewritten:

41 **"SECTION 13.(b)** If, prior to the effective date of G.S. 160D-925(d1), as enacted  
42 by subsection (a) of this section, a local government has required an owner of a privately owned  
43 and maintained stormwater control project to make payments to the local government for the  
44 purpose of ensuring assets are available for maintenance, repair, replacement, and reconstruction  
45 costs of the owner's stormwater control project or other stormwater control projects within the  
46 local government's jurisdiction, ~~in accordance with G.S. 160D-925(d1), as enacted by subsection~~  
47 ~~(a) of this section,~~ the local government shall, upon request of the owner of the stormwater  
48 control project, immediately refund the monies to the owner of the stormwater control project to  
49 make such funds accessible to the owner to cover necessary maintenance, repair, replacement,  
50 and reconstruction costs for the owner's stormwater control project, in accordance with  
51 G.S. 160D-925(d1). For stormwater control projects in residential communities, in the event

1 maintenance, repair, replacement or reconstruction of a project is needed, such funds shall be  
2 exhausted before the local government may assess costs of the necessary work on individual  
3 homeowners within the community, or any applicable owners' association."  
4

5 **MODIFY RECORDATION REQUIREMENTS FOR OPERATION AND**  
6 **MAINTENANCE AGREEMENTS FOR STORMWATER CONTROL MEASURES**

7 **SECTION 4.2.(a)** Definitions. – For purposes of this section, "Stormwater Control  
8 Measure Rule" means 15A NCAC 02H .1050 (Minimum Design Criteria for All Stormwater  
9 Control Measures).

10 **SECTION 4.2.(b)** Stormwater Control Measure Rule. – Until the effective date of  
11 the revised permanent rule that the Environmental Management Commission is required to adopt  
12 pursuant to subsection (d) of this section, the Commission shall implement the Stormwater  
13 Control Measure Rule as provided in subsection (c) of this section.

14 **SECTION 4.2.(c)** Implementation. – The Commission shall eliminate the  
15 requirement that an Operation and Management (O&M) Agreement be referenced on the final  
16 plat and recorded with the county Register of Deeds upon final plat approval. In lieu, the  
17 Commission shall require that an O&M Agreement be referenced upon any instrument of title  
18 recorded with the county Register of Deeds. For the purposes of this subsection, "instrument of  
19 title" means any recorded instrument that affects title or constitutes the chain of title to real  
20 property, including, but not limited to, all deeds, wills, estate documents evidencing transfer of  
21 title, plats, surveys, easements, rights-of-way, outstanding mortgages and deeds of trust, judicial  
22 orders or decrees, and documents evidencing intestate succession.

23 **SECTION 4.2.(d)** Additional Rulemaking Authority. – The Commission shall adopt  
24 a rule to amend the Stormwater Control Measure Rule consistent with subsection (c) of this  
25 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this  
26 section shall be substantively identical to the provisions of subsection (c) of this section. Rules  
27 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the  
28 General Statutes. Rules adopted pursuant to this section shall become effective as provided in  
29 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
30 G.S. 150B-21.3(b2).

31 **SECTION 4.2.(e)** Sunset. – This section expires when permanent rules adopted as  
32 required by subsection (d) of this section become effective.  
33

34 **AMEND NCDEQ FAST TRACK SEWER CERTIFICATIONS**

35 **SECTION 4.3.(a)** G.S. 143-215.1(d) reads as rewritten:

36 "(d) Applications and Permits for Sewer Systems, Sewer System Extensions and  
37 Pretreatment Facilities, Land Application of Waste, and for Wastewater Treatment Facilities Not  
38 Discharging to the Surface Waters of the State. –

- 39 (1) All applications for new permits and for renewals of existing permits for sewer  
40 systems, sewer system extensions and for disposal systems, and for land  
41 application of waste, or treatment works which do not discharge to the surface  
42 waters of the State, and all permits or renewals and decisions denying any  
43 application for permit or renewal shall be in writing. Where the Commission  
44 has provided a digital submission option, the submission shall constitute a  
45 written submission. The Commission shall act on a permit application as  
46 quickly as possible. The Commission may conduct any inquiry or  
47 investigation it considers necessary before acting on an application and may  
48 require an applicant to submit plans, specifications, and other information the  
49 Commission considers necessary to evaluate the application. ~~If the~~  
50 ~~Commission fails to act on an application for a permit, including a renewal of~~  
51 ~~a permit, within 90 days after the applicant submits all information required~~

1 by the Commission, the application is considered to be approved. Permits and  
2 renewals issued in approving such facilities pursuant to this subsection shall  
3 be effective until the date specified therein or until rescinded unless modified  
4 or revoked by the Commission. Prior to acting on a permit application for the  
5 land application of bulk residuals resulting from the operation of a wastewater  
6 treatment facility, the Commission shall provide notice and an opportunity for  
7 comment from the governing board of the county in which the site of the land  
8 application of bulk residuals is proposed to be located. Local governmental  
9 units to whom pretreatment program authority has been delegated shall  
10 establish, maintain, and provide to the public, upon written request, a list of  
11 pretreatment applications received. If the Commission fails to act on an  
12 application for a permit or for a renewal of a permit as specified in this  
13 subdivision after the applicant submits all information required by the  
14 Commission, the application shall be deemed approved.

15 a. Fast-track sewer extensions. – Where a professional engineer provides  
16 certification that the design meets or exceeds Minimum Design  
17 Criteria developed by the Department applicable to the project, the  
18 Commission shall perform a review of a new application for a sewer  
19 system extension permit, including a renewal of a permit for a sewer  
20 system extension, within 30 working days of receipt of the application  
21 to determine if the application is approved. If approved, the  
22 Commission shall issue a receipt letter or electronic response stating  
23 that the application is approved. If additional information is required  
24 to complete the review, the application shall be deemed incomplete,  
25 and the Commission shall issue a request for additional information  
26 letter or electronic response identifying the information required to  
27 complete the application package before the application is approved.  
28 When the required information is received, the Commission shall then  
29 issue a receipt letter or electronic response specifying that it is  
30 complete within 10 working days of the date of the Department  
31 received all required information. After issuing a letter or electronic  
32 response requesting additional information under this subdivision, the  
33 Commission shall not subsequently request additional information that  
34 was not previously identified as missing or required in that additional  
35 information letter or electronic response. Within 10 working days of  
36 receiving all necessary certifications from a professional engineer that  
37 the sewer system extension complies with all applicable rules and  
38 Minimum Design Criteria, the certifications shall be deemed approved  
39 and the Commission shall issue the permit or permit renewal, as  
40 applicable.

41 b. All other permits. – If the Commission fails to act on an application  
42 for any other permit, including a renewal of any other permit, within  
43 90 working days after the applicant submits all information required  
44 by the Commission, the application shall be deemed approved.

45 (2) An applicant for a permit to dispose of petroleum contaminated soil by land  
46 application shall give written notice that he intends to apply for such a permit  
47 to each city and county government having jurisdiction over any part of the  
48 land on which disposal is proposed to occur. The Commission shall not accept  
49 such a permit application unless it is accompanied by a copy of the notice and  
50 evidence that the notice was sent to each such government by certified mail,

1 return receipt requested. The Commission may consider, in determining  
2 whether to issue the permit, the comments submitted by local governments."

3 **SECTION 4.3.(b)** The Commission shall adopt amendments to its relevant  
4 permitting rules to reflect the statutory changes made by subsection (a) of this section.

5 **SECTION 4.3.(c)** Subsections (a) and (b) of this section become effective July 1,  
6 2024.

## 7 **ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS BOARD CHANGES**

8 **SECTION 4.4.** Article 5 of Chapter 90A of the General Statutes reads as rewritten:

9 "Article 5.

10 "Certification of On-Site Wastewater Contractors and Inspectors.

### 11 **"§ 90A-70. Purpose.**

12 It is the purpose of this Article to protect the environment and public health, safety, and  
13 welfare by ensuring the integrity and competence of on-site wastewater ~~contractors~~ contractors,  
14 authorized on-site wastewater evaluators, private compliance inspectors, and point of sale  
15 inspectors; to require the examination of on-site wastewater ~~contractors~~ contractors, authorized  
16 on-site wastewater evaluators, private compliance inspectors, and point of sale inspectors and the  
17 certification of their competency to supervise or conduct the construction, installation,  
18 repair, repair, evaluation, or inspection of on-site wastewater systems; to establish minimum  
19 standards for ethical conduct, responsibility, training, experience, and continuing education for  
20 on-site wastewater system ~~contractors~~ contractors, authorized on-site wastewater evaluators,  
21 private compliance inspectors, and point of sale inspectors; and to provide appropriate  
22 enforcement procedures for rules adopted by the North Carolina On-Site Wastewater Contractors  
23 and Inspectors Certification Board.

### 24 **"§ 90A-71. Definitions.**

25 The following definitions apply in this Article:

- 26 (1) "Authorized On-Site Wastewater Evaluator" is as defined in G.S. 130A-  
27 336.2(a).
- 28 (2) "Board" means the North Carolina On-Site Wastewater Contractors and  
29 Inspectors Certification Board.
- 30 ~~(2)~~(3) "Contractor" means a person who constructs, installs, or repairs, or offers to  
31 construct, install, or repair an on-site wastewater system in the State.
- 32 ~~(3)~~(4) "Conventional wastewater system" ~~has the same meaning as~~ is as defined in  
33 G.S. 130A-343(a)(3).
- 34 ~~(4)~~(5) "Department" means the Department of Health and Human Services.
- 35 ~~(4a)~~(6) "Inspection" means an examination of an on-site wastewater system permitted  
36 under the provisions of Article 11 of Chapter 130A of the General Statutes  
37 that satisfies all of the following criteria:
- 38 a. Is requested by a lending institution, realtor, prospective homebuyer,  
39 or other impacted party as a condition of sale, refinancing, or transfer  
40 of title.
- 41 b. Meets the minimum requirements established by the Board.
- 42 ~~(5)~~(7) "Inspector" means a person who conducts an inspection in accordance with  
43 rules adopted by the Board.
- 44 ~~(6)~~(8) "On-site wastewater system" means any wastewater system permitted under  
45 the provisions of Article 11 of Chapter 130A of the General Statutes that does  
46 not discharge to a treatment facility or the surface waters of the State.
- 47 ~~(7)~~(9) "Person" means all persons, including individuals, firms, partnerships,  
48 associations, public or private institutions, municipalities, or political  
49 subdivisions, governmental agencies, or private or public corporations  
50

1 organized and existing under the laws of this State or any other state or  
2 country.

3 (10) "Private Compliance Inspector" means a person who is hired by the owner of  
4 a wastewater system, the local health department, contractor, professional  
5 engineer, or Authorized On-Site Wastewater Evaluator to perform an  
6 inspection of a new on-site wastewater system or for the repair of an existing  
7 on-site wastewater system permitted under the provisions of Article 11 of  
8 Chapter 130A of the General Statutes. The owner or applicant for the  
9 wastewater system being constructed or repaired shall sign a Board approved  
10 document accepting the Private Compliance Inspector.

11 ~~(8)~~(11) "Wastewater treatment facility" means a mechanical or chemical treatment  
12 facility serving a site with multiple wastewater sources.

13 **"§ 90A-72. Certification required; applicability.**

14 (a) Certification Required. – No person shall construct, install, or repair or offer to  
15 construct, install, or repair an on-site wastewater system permitted under Article 11 of Chapter  
16 130A of the General Statutes without being certified as a contractor at the required level of  
17 certification for the specified system. No person shall conduct an inspection or offer to conduct  
18 an inspection of an on-site wastewater system as permitted under Article 11 of Chapter 130A of  
19 the General Statutes without being certified in accordance with the provisions of this Article. No  
20 person shall conduct an evaluation or offer to conduct an evaluation of an on-site wastewater  
21 system as permitted under Article 11 of Chapter 130A of the General Statutes without being  
22 certified as an authorized on-site wastewater evaluator. No person shall conduct or offer to  
23 conduct a private inspection of an on-site wastewater system for compliance with the designs of  
24 a Construction Authorization issued by a local health department or an Authorization to  
25 Construct issued pursuant to G.S. 130A-336.1 or G.S. 130A-336.2 unless certified as a private  
26 compliance inspector.

27 (b) Applicability. – This Article does not apply to the following:

- 28 (1) A person who is employed by a certified contractor or inspector in connection  
29 with the construction, installation, repair, or inspection of an on-site  
30 wastewater system performed under the direct and personal supervision of the  
31 certified contractor or inspector in charge.
- 32 (2) A person who constructs, installs, or repairs an on-site wastewater system  
33 described as a single septic tank with a gravity-fed gravel trench dispersal  
34 media when located on land owned by that person and that is intended solely  
35 for use by that person and members of that person's immediate family who  
36 reside in the same dwelling.
- 37 (3) A person licensed under Article 1 of Chapter 87 of the General Statutes who  
38 constructs or installs an on-site wastewater system ancillary to the building  
39 being constructed or who provides corrective services and labor for an on-site  
40 wastewater system ancillary to the building being constructed.
- 41 (4) A person who is certified by the Water Pollution Control System Operators  
42 Certification Commission and contracted to provide necessary operation and  
43 maintenance on the permitted on-site wastewater system.
- 44 (5) A person permitted under Article 21 of Chapter 143 of the General Statutes  
45 who is constructing a water pollution control facility necessary to comply with  
46 the terms and conditions of a National Pollutant Discharge Elimination  
47 System (NPDES) permit.
- 48 ~~(6) A person licensed under Article 1 of Chapter 87 of the General Statutes as a~~  
49 ~~licensed public utilities contractor who is installing or expanding a wastewater~~  
50 ~~treatment facility, including a collection system, designed by a registered~~  
51 ~~professional engineer.~~

- (7) A plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes, so long as the plumber is not performing plumbing work that includes the installation or repair of a septic tank or similar depository, such as a treatment or pretreatment tank or system, or lines, tanks, or appurtenances downstream from the point where the house or building sewer lines from the plumbing system meet the septic tank or similar depository. This subdivision shall not be construed to require a plumbing contractor to become certified as a contractor pursuant to this section to install or repair a grease trap, interceptor, or separator upstream from a septic tank or similar depository that complies with the requirements of the local health department.
- (8) A person employed by the Department, a local health department, or a local health district, when conducting a regulatory inspection of an on-site wastewater system for purposes of determining compliance.

**"§ 90A-75. Expenses and fees.**

(a) Expenses. – All salaries, compensation, and expenses incurred or allowed for the purposes of carrying out this Article shall be paid by the Board exclusively out of the funds received by the Board as authorized by this Article. No salary, expense, or other obligations of the Board may be charged against the General Fund of the State. Neither the Board nor any of its members or employees may incur any expense, debt, or financial obligation binding upon the State.

(b) Contributions. – The Board may accept grants, contributions, devises, and gifts that shall be kept in the same account as the funds deposited in accordance with this Article and other provisions of the law.

(c) Fees. – All fees shall be established in rules adopted by the Board. The Board shall establish fees sufficient to pay the costs of administering this Article, but in no event shall the Board charge a fee at an annual rate in excess of the following:

(1)	Application for <del>basic certification</del> <u>grade level II</u>	<del>\$150.00</del> <u>\$200.00</u>
(2)	Application for <del>each</del> <u>grade level IV</u>	<del>\$50.00</del> <u>\$300.00</u>
(3)	Certification renewal <u>for:</u>	<u>\$100.00</u>
	<u>a. Contractor or point of sale inspector</u>	<u>\$75.00</u>
	<u>b. Authorized on-site wastewater evaluator</u>	<u>\$100.00</u>
	<u>c. Private compliance inspector</u>	<u>\$100.00</u>
(4)	Reinstatement of revoked or suspended Certification	\$500.00
(5)	Application for on-site wastewater system inspector	\$200.00
(6)	Application for authorized on-site wastewater evaluator	<del>\$300.00</del> <u>\$300.00</u>
(7)	<u>Application for private compliance inspector</u>	<u>\$300.00.</u>

(c1) Use of Fees. – All fees collected pursuant to this Article shall be held by the Board and used by the Board for the sole purpose of administering this Article.

(d) Audit. – The Board is subject to the oversight of the State Auditor under Article 5A of Chapter 147 of the General Statutes.

**"§ 90A-77. Certification requirements.**

(a) Certification. – The Board shall issue a certificate ~~of the appropriate grade level~~ to an applicant who satisfies all of the following conditions:

- (1) Is at least 18 years of age.
- (2) Submits a properly completed application with all required supporting documents for the certification being applied for to the Board.

- 1           (3) ~~Completes the basic on-site wastewater education program approved by the~~  
2 ~~Board for the specific grade level. For grade level II contractor certification~~  
3 ~~applicant shall satisfy the following conditions:~~  
4           a. ~~Complete the basic on-site wastewater education approved by the~~  
5 ~~Board for any level.~~  
6           b. ~~Complete any additional class hours required for grade level II.~~  
7       (3a) ~~For grade level IV contractor certification applicant shall satisfy the following~~  
8 ~~conditions:~~  
9           a. ~~Hold current and satisfactory certification of grade level II for a~~  
10 ~~minimum of two years prior to application for grade level IV.~~  
11           b. ~~Complete any additional class hours required for grade level IV.~~  
12       (3b) ~~For inspector certification applicant shall satisfy the following conditions:~~  
13           a. ~~Complete the point of sale inspector education approved by the Board.~~  
14           b. ~~Complete any additional class hours required for point of sale~~  
15 ~~inspector certification.~~  
16           c. ~~Hold current and satisfactory certification of grade level IV contractor,~~  
17 ~~or authorized on-site evaluator or subsurface operator certification for~~  
18 ~~minimum of two years.~~  
19       (3c) ~~For authorized on-site wastewater evaluator applicant shall satisfy the~~  
20 ~~following conditions:~~  
21           a. ~~Complete the authorized on-site wastewater evaluator education~~  
22 ~~approved by the Board.~~  
23       (3d) ~~For private compliance inspector applicant shall satisfy the following~~  
24 ~~conditions:~~  
25           a. ~~Complete the private compliance inspector education approved by the~~  
26 ~~Board.~~  
27           b. ~~Complete any additional class hours required by the Board for~~  
28 ~~compliance inspector certification.~~  
29           c. ~~Have a minimum of 5 years of experience as a certified contractor,~~  
30 ~~authorized on-site wastewater evaluator, subsurface operator, or a~~  
31 ~~registered environmental health specialist.~~  
32           d. ~~Not be employed by a local health department.~~  
33       (4) ~~Repealed by Session Laws 2010-31, s. 13.2(1), effective July 1, 2010.~~  
34       (5) ~~Completes any additional training program designed by the Board specific to~~  
35 ~~the grade level for which the applicant is applying.~~  
36       (6) ~~Pays the applicable fees set by the Board for the particular application and~~  
37 ~~grade level application.~~  
38       (7) ~~For the specific grade level, as determined by the Board, passes~~  
39 ~~Passes a~~  
40 ~~written or oral examination that tests the applicant's proficiency in all of the~~  
41 ~~following areas:~~  
42           a. ~~Principles of public and environmental health associated with on-site~~  
43 ~~wastewater systems.~~  
44           b. ~~Principles of construction and safety.~~  
45           c. ~~Technical and practical knowledge of on-site wastewater systems~~  
46 ~~typical to the specified grade level systems.~~  
47           d. ~~Laws and rules related to the installation, construction, repair, or~~  
48 ~~inspection of the specified on-site wastewater systems.~~  
49       (b) Location of Examinations. – The Board shall provide a minimum of three  
50 examinations each year; one each in the eastern, central, and western regions of the State.

1       **(b1)** Any applicant for an exam shall submit complete package to Board no later than 15  
2 business days prior to exam date to be considered eligible for the exam.

3       **(c)** Approval of Certification Programs. – The Board may issue a certificate at the  
4 appropriate grade level to an applicant who has completed an approved training or continuing  
5 education program.

6       **(d)** No Degree Required. – An applicant shall not be required to hold or obtain an  
7 educational diploma or degree to obtain a certificate. An applicant that meets all the conditions  
8 for certification except for passage of the Board examination may take the examination on three  
9 successive occasions without having to file for a new application, pay an additional application  
10 fee, or repeat any applicable training program. If the applicant fails to pass the Board examination  
11 on three successive occasions, the applicant must reapply to the Board, pay an additional  
12 application fee, and repeat the training program.

13       **(e)** Certificate. – The certification shall show the full name of the certificate holder. The  
14 certificate shall provide a unique identification number and shall be signed by the Chair. Issuance  
15 of the certificate by the Board shall be prima facie evidence that the person named therein is  
16 entitled to all the rights and privileges of a certified contractor ~~or inspector~~, at the grade level  
17 specified on the ~~certificate~~, certificate, inspector, authorized on-site wastewater evaluator, or  
18 private compliance inspector while the certificate remains in effect.

19       **(f)** Replacement Certificate. – A new certificate to replace one lost, destroyed, or  
20 mutilated shall be issued subject to rules adopted by the Board and with the payment of a fee set  
21 by the Board. The fee for a duplicate or replacement certificate shall not exceed twenty-five  
22 dollars (\$25.00).

23 **"§ 90A-78. Certification renewal.**

24       **(a)** Renewal. – All certifications shall expire at intervals determined by the Board on  
25 November 15 of each year unless they are renewed. In no event may the interval determined by  
26 the Board be less than one year. To renew a certification, a ~~contractor or inspector~~ contractor,  
27 inspector, authorized on-site wastewater evaluator, or private compliance inspector must meet  
28 all of the following conditions:

29           **(1)** Submit an application for renewal on the form prescribed by the ~~Board~~ Board,  
30 which includes all supporting documents requested on the renewal form.

31           **(2)** Meet the following continuing education requirements prescribed by the  
32 Board requirement:

33               **a.** Grade level II contractor:           3 hours per year.

34               **b.** Grade level IV contractor:           6 hours per year.

35               **c.** Point of sale inspector:           6 hours per year.

36               **d.** Authorized on-site evaluator:           12 hours per year.

37               **e.** Private compliance inspector:           12 hours per year.

38               **f.** For persons holding more than one certification issued by the Board,  
39 the higher annual hours continuing education requirement of all  
40 certificates held.

41           **(3)** Pay the certification renewal fee.

42       **(b)** Late Fee. – A ~~contractor or inspector with an expired certificate may renew the~~  
43 certification within 90 days of its expiration upon payment of a late fee set by the Board. The late  
44 fee shall not exceed twenty-five dollars (\$25.00). Late fees shall be payable for any renewable  
45 fee paid after the due date. If a certification is not renewed within 90 days of its expiration, the  
46 certification shall not be renewed, and the holder must apply for a new certificate.

47       **(c)** Renewal process for expired certifications. – The renewal process for expired  
48 certificates for contractors, point of sale inspectors, authorized on-site wastewater evaluators, and  
49 private compliance inspectors shall be as follows:



- 1           (1)    Within 90 days of its expiration, an expired certificate may be renewed upon  
2                   payment of the certification renewal fee in G.S. 90A-75(c)(3) and the late fee  
3                   established pursuant to subsection (b) of this section.
- 4           (2)    Between 91 days and 24 months of its expiration, an expired certificate may  
5                   be renewed upon submittal of an application for recertification, the  
6                   certification renewal fee in G.S. 90A-75(c)(3), total of continuing education  
7                   required annually for certificate, and passing grade for exam required for  
8                   certificate.
- 9           (3)    After 24 months of its expiration, no certificate may be renewed. The holder  
10                   of a certificate expired for more than 24 months shall apply for a new  
11                   certificate.

12   **"§ 90A-79. Continuing education.**

13       (a)    Requirements. – The Board shall require continuing education as a condition of  
14       certification and renewal. The Board shall determine the number of hours, based on grade levels  
15       applied for, certifications held, up to a maximum of 12 hours per year, and the subject material  
16       for the specified grade level. The Board shall maintain records of continuing education  
17       coursework successfully completed by each certified contractor or inspector.

18       (b)    Approval of Continuing Education Programs. – The Board may approve a continuing  
19       education program or course if the Board finds that the program or course provides useful  
20       educational information or experience that will enhance the construction, installation,  
21       ~~repair,~~ repair, evaluation, or inspection of on-site wastewater systems. Request for approval of  
22       continuing education programs or courses shall be submitted to the Board for review no sooner  
23       than two weeks prior to a regularly scheduled Board meeting and prior to the class being held.  
24       The Board shall not issue retroactive approvals for any continuing education program or course.  
25       Approvals shall be granted on an annual calendar year basis. The Board may develop and offer  
26       continuing education programs.

27   **"§ 90A-80. Investigation of complaints.**

28       (a)    Misconduct. – A person may refer to the Board charges of fraud, deceit, negligence,  
29       incompetence, or misconduct against any certified contractor or inspector. The charges shall be  
30       in writing and sworn to by the complainant and submitted to the Board. These charges, unless  
31       dismissed without a hearing by the Board as unfounded or trivial, shall be heard and determined  
32       by the Board in accordance with the provisions of Chapter 150B of the General Statutes. An  
33       association that receives professional recognition of its own certification process by the Board  
34       shall be responsible for the conduct and competency of its members.

35       (b)    Records. – The Board shall establish and maintain detailed records regarding  
36       complaints concerning each certified ~~contractor~~ contractor, authorized on-site wastewater  
37       evaluator, private compliance inspector, or point of sale inspector. The records shall include those  
38       certified by recognized associations. The records shall also detail the ~~levels of~~ certification held  
39       by each ~~contractor~~ contractor, authorized on-site wastewater evaluator, private compliance  
40       inspector, or point of sale inspector.

41       (c)    Notification. – The Board shall provide local health departments with notification of  
42       changes in certifications, complaints, suspensions, or reinstatements under this Article. This  
43       requirement may be satisfied electronically via the Environmental Health Listserv maintained by  
44       the Department.

45   **"§ 90A-81. Remedies.**

46       (a)    Denial, Suspension, and Revocation of Certification. – The Board may deny, suspend,  
47       or revoke a certificate under this Article for:

- 48           (1)    A violation of this Article or a rule of the Board.  
49           (2)    The use of fraud or deceit in obtaining or renewing a certificate.  
50           (3)    Any act of gross negligence, incompetence, or misconduct in the construction,  
51                   installation, repair, or inspection of an on-site wastewater system.

1 (4) Failure to satisfactorily complete continuing education requirements  
2 prescribed by the Board.

3 (b) Arbitration. – The Board may establish a voluntary arbitration procedure to resolve  
4 complaints concerning a certified contractor or inspector or any work performed by a certified  
5 contractor or inspector, or conflicts involving any certified contractor or inspector and the  
6 Division of Public Health of the Department or a local health department.

7 (c) Injunction. – The Board may in its own name seek an injunction to restrain any  
8 person, firm, partnership, or corporation from violating the provisions of this Article or rules  
9 adopted by the Board. The Board may bring an action for an injunction in the superior court of  
10 any county in which the violator resides or the violator's principal place of business is located. In  
11 any proceedings for an injunction, it shall not be necessary to allege or prove either that an  
12 adequate remedy at law does not exist, or that substantial or irreparable damage would result  
13 from the continued violation. Members of the Board shall not be personally or professionally  
14 liable for any act or omission pursuant to this subsection. The Board shall not be required to post  
15 a bond in connection with any action to obtain an injunction.

16 (d) Offenses. – A person who commits any one or more of the following offenses is guilty  
17 of a Class 2 misdemeanor:

18 (1) Engages in or offers to engage in the construction, installation, ~~repair, repair,~~  
19 evaluation, or inspection of an on-site wastewater system without the  
20 appropriate certificate for the grade level of on-site wastewater  
21 system certification.

22 (2) Gives false or forged evidence of any kind in obtaining a certificate.

23 (3) Falsely impersonates a certified ~~contractor~~ contractor, authorized on-site  
24 wastewater evaluator, private compliance inspector, or point of sale  
25 inspector."

## 26 27 **ALLOW PRIVATE COMPLIANCE INSPECTORS TO INSPECT CERTAIN ON-SITE** 28 **WASTEWATER SYSTEMS**

29 **SECTION 4.5.** G.S. 130A-337 is amended by adding two new subsections to read:

30 "(a2) Notwithstanding subsection (a) of this section, an applicant may contract with a  
31 private compliance inspector certified pursuant to Article 5 of Chapter 90A of the General  
32 Statutes to conduct any required verifications or inspections of an on-site wastewater system for  
33 compliance with the designs of a Construction Authorization issued by a local health department  
34 or an Authorization to Construct issued pursuant to G.S. 130A-336.1 or G.S. 130A-336.2 when  
35 all the following criteria are met:

36 (1) The private compliance inspector is not the contractor of the on-site  
37 wastewater system being inspected or employed by the contractor of the on-  
38 site wastewater system being inspected.

39 (2) The private compliance inspector holds sufficient errors and omissions and  
40 general liability insurance for the project being inspected.

41 (3) The private compliance inspector documents the compliance inspection with  
42 the common form developed or approved by the North Carolina On-Site  
43 Wastewater Contractors and Inspectors Certification Board. The compliance  
44 inspection document shall show any as-builts as approved at the site and  
45 conveyed to the owner or authorized agency.

46 (4) The private compliance inspector delivers the completed compliance  
47 inspection form to the owner of the on-site wastewater system being inspected  
48 within two business days of the completed inspection. The local health  
49 department shall issue the Operation Permit or Authorization to Operate upon  
50 receipt of the completed compliance inspection document.

(a3) The Department, the Department's authorized agents, and the local health department shall be discharged and released from any liabilities, duties, and responsibilities imposed by statute or common law from any claim arising out of or attributed to an on-site wastewater system inspected pursuant to this subsection."

**INCREASE FEES FOR LICENSED SOIL SCIENTISTS**

**SECTION 4.6.** G.S. 89F-25 reads as rewritten:

**"§ 89F-25. Fees.**

(a) The Board shall determine fees for the following services that shall not exceed the amounts specified in this section:

Application	\$ <del>50.00</del> \$80.00
<u>Application for corporate certificate of licensure</u>	<u>\$100.00</u>
<u>Renewal of corporate certificate of licensure</u>	<u>\$100.00</u>
License	<del>85.00</del> \$185.00
Renewal	<del>85.00</del> \$180.00
Restoration	<del>110.00</del> \$125.00
Replacement license	<del>50.00</del> \$100.00
Seal	<del>30.00</del> .\$75.00.

(b) The Board may charge the applicant the actual cost of preparation, administration, and grading of examinations for soil scientists, in addition to its other fees."

**REGISTERED ENVIRONMENTAL HEALTH SPECIALISTS DEFENSE AND LIABILITY**

**SECTION 4.7.** G.S. 143-300.8 reads as rewritten:

**"§ 143-300.8. Defense of ~~local sanitarians~~registered environmental health specialists, registered environmental health specialist interns, and registered environmental health associates.**

(a) The following definitions apply in this section:

- (1) Department. – The Department of Health and Human Services.
- (2) Local health department. – Defined in G.S. 130A-2(5).
- (3) Registered environmental health associate. – Defined in G.S. 90A-51(2d).
- (4) Registered environmental health specialist. – Defined in G.S. 90A-51(4).
- (5) Registered environmental health specialist intern. – Defined in G.S. 90A-51(5).

(b) All local health departments shall enter into an annual agreement with the Department to provide environmental health services in accordance with Chapter 130A of the General Statutes. The annual agreement shall include a requirement for quality assurance for all environmental health services.

(c) Any ~~local health department sanitarian~~ Except as provided in subsections (d) and (e) of this section, any registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate enforcing rules of the Commission for Public Health under the ~~supervision~~ authority of the Department of Health and Human Services pursuant to G.S. 130A-4 shall be defended by the Attorney General, subject to the provisions of G.S. 143-300.4, and shall be protected from liability in accordance with the provisions of this Article in any civil or criminal action or proceeding brought against the ~~sanitarian~~ in his ~~registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate~~ in their official or individual capacity, or both, on account of an act done or omission made in the scope and course of enforcing the rules of the Commission for Public Health. The Department of Health and Human Services shall pay half of any judgment against the ~~sanitarian, registered environmental health specialist, registered environmental health specialist intern, or registered environmental health~~

1 associate, or any settlement made on his-their behalf, subject to the provisions of G.S. 143-300.6.  
2 The local health department employing or contracting with the registered environmental health  
3 specialist, registered environmental health specialist intern, or registered environmental health  
4 associate at the time of the underlying act or omission giving rise to the judgment or settlement  
5 shall pay half of the judgment or settlement.

6 (d) Any registered environmental health specialist, registered environmental health  
7 specialist intern, or registered environmental health associate contracted to work for a local  
8 health department that has not entered into an annual agreement as required by subsection (b)  
9 of this section shall not be defended by the Attorney General or have their judgement or  
10 settlement paid by the Department. The local health department shall be required to pay any  
11 judgement against the registered environmental health specialist, registered environmental  
12 health specialist intern, or registered environmental health associate or any settlement on their  
13 behalf for any act or omission made in the scope and course of enforcing the rules of the  
14 Commission for Public Health.

15 (e) A registered environmental health specialist, registered environmental health  
16 specialist intern, or registered environmental health associate shall not be defended by the  
17 Attorney General or protected from liability for any claim arising from an act or omission made  
18 in the scope and course of enforcing a local rule adopted pursuant to G.S. 130A-335(c)."  
19

## 20 WATER SUPPLY WELL SETBACK CHANGES

21 **SECTION 4.8.(a)** Definitions. – For purposes of this section and its implementation,  
22 "Construction Standards Rule" means 15A NCAC 02C .0107 (Standards of Construction: Water  
23 Supply Wells)

24 **SECTION 4.8.(b)** Construction Standards Rule. – Until the effective date of the  
25 revised permanent rule that the Environmental Management Commission is required to adopt  
26 pursuant to subsection (d) of this section, the Commission shall implement the Construction  
27 Standards Rule as provided in subsection (c) of this section.

28 **SECTION 4.8.(c)** Implementation. – The horizontal separation between a water  
29 supply well and potential sources of groundwater contamination that exist at the time the well is  
30 constructed shall be no less than 50 feet for any single-family dwelling with septic tank and  
31 drainfield, including the drainfield repair area in saprolite system as described in the 15A NCAC  
32 18E rules.

33 **SECTION 4.8.(d)** Additional Rulemaking Authority. – The Commission shall adopt  
34 a rule to amend the Construction Standards Rule consistent with subsection (c) of this section.  
35 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
36 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
37 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
38 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
39 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
40 G.S. 150B-21.3(b2).

41 **SECTION 4.8.(e)** Sunset. – This section expires when permanent rules adopted as  
42 required by subsection (d) of this section become effective.  
43

## 44 CLARIFY CHANGES TO ON-SITE WASTEWATER STATUTES

45 **SECTION 4.9.(a)** G.S. 130A-336.1(l), as amended by Section 3 of S.L. 2023-90,  
46 reads as rewritten:

47 "(l) Reporting Requirements. –

- 48 (1) The owner of the wastewater system shall submit the following to the local  
49 health ~~department~~:department prior to receiving a Certificate of Occupancy  
50 from the appropriate inspection department:

- a. A copy of the professional engineer's report required pursuant to G.S. 130A-336.1(k)(1).
  - b. A copy of the operations and management program.
  - c. Repealed by Session Laws 2023-90, s. 3, effective July 10, 2023.
  - d. A letter that documents the owner's acceptance of the system from the professional engineer.
  - e. A copy of the Authorization to Operate.
- (2) The owner of any wastewater system that is subject to subsection (d) of this section shall deliver to the Department copies of the engineer's report, as described G.S. 130A-336.1(k)(1).
- (3) Within two business days of receiving the documentation required pursuant to subdivision (1) of this subsection, the local health department shall notify the appropriate inspections department. If the local health department fails to notify the inspections department within two business days, the owner of the wastewater system may submit the Authorization to Operate to the appropriate inspections department and receive a Certificate of Occupancy."

**SECTION 4.9.(b)** G.S. 130A-336.2, as amended by Section 4 of S.L. 2023-90, reads as rewritten:

**"§ 130A-336.2. Alternative wastewater system approvals for nonengineered systems.**

...

(l) After reviewing the Authorized On-Site Wastewater Evaluator's report, the owner shall sign confirming acceptance and receipt of the report. The owner shall then submit the following to the local health department: department prior to receiving a Certificate of Occupancy from the appropriate inspection department:

- (1) A copy of the Authorized On-Site Wastewater Evaluator's report, including the Authorization to Operate.
- (2) A copy of the operations and management program established for the system by the Authorized On-Site Wastewater Evaluator.
- ~~(3) The fee established pursuant to subsection (n) of this section.~~
- (4) A copy of the document confirming acceptance and receipt of the report by the owner.

(l1) Within two business days of receiving the documentation required pursuant to subsection (l) of this section, the local health department shall notify the appropriate inspections department. If the local health department fails to notify the inspections department within two business days, the owner of the wastewater system may submit the Authorization to Operate to the appropriate inspections department and receive a Certificate of Occupancy.

...."

**SECTION 4.9.(c)** G.S. 130A-336.1(o), as amended by Section 3 of S.L. 2023-90, reads as rewritten:

"(o) Change in System Ownership. – A wastewater system authorized pursuant to this section shall ~~be transferrable to a new owner with the consent of the professional engineer. The new owner and the professional engineer shall enter a contract for the wastewater system.~~ not be affected by change in ownership of the site for the wastewater system."

**SECTION 4.9.(d)** G.S. 130A-336.2(o), as amended by Section 4 of S.L. 2023-90, reads as rewritten:

"(o) Change in System Ownership. – A wastewater system authorized pursuant to this section shall ~~be transferrable to a new owner with the consent of the Authorized On Site Wastewater Evaluator. The new owner and the Authorized On Site Wastewater Evaluator shall enter a contract for the wastewater system.~~ not be affected by change of ownership of the site for the wastewater system."

**SECTION 4.9.(e)** This section is effective retroactively to July 10, 2023.

1  
2 **AMEND 18E ON-SITE WASTEWATER RULES**

3 **SECTION 4.10.(a)** Definitions. – For purposes of this section and its  
4 implementation, "Applicability Rule" means 15A NCAC 18E .0102 (Applicability).

5 **SECTION 4.10.(b)** Applicability Rule. – Until the effective date of the revised  
6 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection  
7 (d) of this section, the Commission shall implement the Applicability Rule as provided in  
8 subsection (c) of this section.

9 **SECTION 4.10.(c)** Implementation. – The provisions of 15A NCAC 18E .0206 shall  
10 apply to any wastewater system for which an operation permit, authorization to operate,  
11 certificate of completion, or an equivalent approval has been issued prior to January 1, 2024.  
12 Wastewater systems permitted on or after July 1, 1977, shall comply with the setback  
13 requirements in 15A NCAC 18E. When a wastewater system that was installed on or after July  
14 1, 1977, is expanded, modified, or repaired, and the wastewater strength is not increasing, any  
15 existing wastewater system components that are not crushed, broken, damaged, or otherwise  
16 rendered unusable or ineffective so that the component will not function as designed shall not be  
17 required to meet the requirements of 15A NCAC 18E. All components shall comply with the  
18 setback requirements in 15A NCAC 18E. When a wastewater system that was installed prior to  
19 July 1, 1977, is expanded, modified, or repaired, and the wastewater strength is not increasing,  
20 any existing wastewater system components that are not crushed, broken, damaged, or otherwise  
21 rendered unusable or ineffective so that the component will not function as designed shall not be  
22 required to meet the requirements of 15A NCAC 18E except as follows: setbacks to drinking  
23 water wells shall not be reduced; and setbacks to surface water bodies specified in 15A NCAC  
24 18E .0601. shall not be reduced by more than 50 percent. Existing wastewater systems for which  
25 no permit can be found and with no evidence that the wastewater system was installed in violation  
26 of Article 11 of Chapter 130A of the General Statutes and the rules in effect at the time of  
27 installation shall be considered to have an operation permit or its equivalent in accordance with  
28 this Rule.

29 **SECTION 4.10.(d)** Additional Rulemaking Authority. – The Commission shall  
30 adopt a rule to amend the Applicability Rule consistent with subsection (c) of this section.  
31 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
32 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
33 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
34 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
35 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
36 G.S. 150B-21.3(b2).

37 **SECTION 4.10.(e)** Sunset. – This section expires when permanent rules adopted as  
38 required by subsection (d) of this section become effective.

39 **SECTION 4.11.(a)** Definitions. – For purposes of this section and its  
40 implementation, "Definitions Rule" means 15A NCAC 18E .0105 (Definitions).

41 **SECTION 4.11.(b)** Definitions Rule. – Until the effective date of the revised  
42 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection  
43 (d) of this section, the Commission shall implement the Definitions Rule as provided in  
44 subsection (c) of this section.

45 **SECTION 4.11.(c)** Implementation. – "Artificial drainage systems" shall include  
46 foundation drains with cuts greater than two feet. "Collection sewer" shall not include any  
47 appurtenances used to transport waste within a wastewater system. "Full kitchen" means a  
48 kitchen that contains either domestic or commercial equipment and is used for cooking or  
49 preparing foods onsite. "Normal water level" means the water level within a pond, lake, or other  
50 type of impoundment, natural or man-made, at the elevation of the outlet structure or spillway,  
51 such as the elevation of the permanent pool. "Warming kitchen" means a kitchen that contains

1 domestic equipment and is used for plating or dispensing food prepared or cooked at another  
2 local. The definition of "Stream" shall be deleted. "Intermittent stream" means a well-defined  
3 channel that contains water for only part of the year, typically during winter and spring when the  
4 aquatic bed is below the perched or seasonal high water table. The flow of an intermittent stream  
5 may be supplemented by stormwater runoff. "Perennial stream" means a well-defined channel  
6 that contains water year round during a year of normal rainfall with the aquatic bed located below  
7 the perched or seasonal high water table for most of the year. Groundwater is the primary source  
8 of water for a perennial stream, but perennial streams may also carry stormwater runoff.

9 **SECTION 4.11.(d)** Additional Rulemaking Authority. – The Commission shall  
10 adopt a rule to amend the Definitions Rule consistent with subsection (c) of this section.  
11 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
12 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
13 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
14 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
15 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
16 G.S. 150B-21.3(b2).

17 **SECTION 4.11.(e)** Sunset. – This section expires when permanent rules adopted as  
18 required by subsection (d) of this section become effective.

19 **SECTION 4.12.(a)** Definitions. – For purposes of this section and its  
20 implementation, "Application Rule" means 15A NCAC 18E .0202 (Application).

21 **SECTION 4.12.(b)** Application Rule. – Until the effective date of the revised  
22 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection  
23 (d) of this section, the Commission shall implement the Application Rule as provided in  
24 subsection (c) of this section.

25 **SECTION 4.12.(c)** Implementation. – Prior to the repair of a wastewater system, an  
26 application shall be submitted to the local health department.

27 **SECTION 4.12.(d)** Additional Rulemaking Authority. – The Commission shall  
28 adopt a rule to amend the Application Rule consistent with subsection (c) of this section.  
29 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
30 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
31 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
32 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
33 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
34 G.S. 150B-21.3(b2).

35 **SECTION 4.12.(e)** Sunset. – This section expires when permanent rules adopted as  
36 required by subsection (d) of this section become effective.

37 **SECTION 4.13.(a)** Definitions. – For purposes of this section and its  
38 implementation, "Improvement Permit Rule" means 15A NCAC 18E .0203 (Improvement  
39 Permit).

40 **SECTION 4.13.(b)** Improvement Permit Rule. – Until the effective date of the  
41 revised permanent rule that the Commission for Public Health is required to adopt pursuant to  
42 subsection (d) of this section, the Commission shall implement the Improvement Permit Rule as  
43 provided in subsection (c) of this section.

44 **SECTION 4.13.(c)** Implementation. – An improvement permit shall be applicable  
45 to both initial and repair dispersal field areas identified and approved on the improvement permit.

46 **SECTION 4.13.(d)** Additional Rulemaking Authority. – The Commission shall  
47 adopt a rule to amend the Improvement Permit Rule consistent with subsection (c) of this section.  
48 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
49 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
50 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
51 Statutes. Rules adopted pursuant to this section shall become effective as provided in

1 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
2 G.S. 150B-21.3(b2).

3 **SECTION 4.13.(e)** Sunset. – This section expires when permanent rules adopted as  
4 required by subsection (d) of this section become effective.

5 **SECTION 4.14.(a)** Definitions. – For purposes of this section and its  
6 implementation, "Construction Authorization Rule" means 15A NCAC 18E .0204 (Construction  
7 Authorization).

8 **SECTION 4.14.(b)** Construction Authorization Rule. – Until the effective date of  
9 the revised permanent rule that the Commission for Public Health is required to adopt pursuant  
10 to subsection (d) of this section, the Commission shall implement the Construction Authorization  
11 Rule as provided in subsection (c) of this section.

12 **SECTION 4.14.(c)** Implementation. – The construction authorization shall also  
13 specify the initial water system type and layout, location of all initial wastewater system  
14 components, and design details and specifications for supply lines and force mains.

15 **SECTION 4.14.(d)** Additional Rulemaking Authority. – The Commission shall  
16 adopt a rule to amend the Construction Authorization Rule consistent with subsection (c) of this  
17 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this  
18 section shall be substantively identical to the provisions of subsection (c) of this section. Rules  
19 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the  
20 General Statutes. Rules adopted pursuant to this section shall become effective as provided in  
21 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
22 G.S. 150B-21.3(b2).

23 **SECTION 4.14.(e)** Sunset. – This section expires when permanent rules adopted as  
24 required by subsection (d) of this section become effective.

25 **SECTION 4.15.(a)** Definitions. – For purposes of this section and its  
26 implementation, "Existing System Approvals for Reconnections and Property Additions Rule"  
27 means 15A NCAC 18E .0206 (Existing System Approvals for Reconnections and Property  
28 Additions).

29 **SECTION 4.15.(b)** Existing System Approvals for Reconnections and Property  
30 Additions Rule. – Until the effective date of the revised permanent rule that the Commission for  
31 Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall  
32 implement the Existing System Approvals for Reconnections and Property Additions Rule as  
33 provided in subsection (c) of this section.

34 **SECTION 4.15.(c)** Implementation. – The local health department, an Authorized  
35 On-Site Wastewater Evaluator, or a certified inspector may issue an existing system approval  
36 when there is no increase in design daily flow or wastewater strength for the following: 1) a  
37 reconnection for a new or improved facility, or 2) a site modification that requires a building  
38 permit, such as a swimming pool or storage shed. Existing system approvals as described in  
39 Paragraph (a) of this Rule shall be issued by an authorized agent, Authorized On-Site Wastewater  
40 Evaluator, or certified inspector upon determination of the following: 1) there is no current or  
41 past uncorrected malfunction of the system as described in 15A NCAC .1303(a)(2); 2) the design  
42 daily flow and wastewater strength for the proposed facility do not exceed that of the existing  
43 system; and 3) the proposed facility or site modification meets the setbacks in 15A NCAC .0600.  
44 The existing system approval expires one year after the date of issuance. When an approval  
45 cannot be issued in accordance with this Rule, a signed, written report shall be provided by the  
46 authorized agent, Authorized On-Site Wastewater Evaluator, or certified inspector, as applicable,  
47 to the applicant describing the reasons for the denial, citing the applicable rule. The local health  
48 department shall include notice of the right to appeal under G.S. 130A-24 and Chapter 150B of  
49 the General Statutes. Notwithstanding this Rule, the owner of a wastewater system may elect to  
50 utilize the Affidavit for Existing Wastewater System Approval offered pursuant to G.S. 160D-  
51 1110(h1) to obtain a wastewater system approval and any necessary permits.



1           **SECTION 4.15.(d)** Additional Rulemaking Authority. – The Commission shall  
2 adopt a rule to amend the Existing System Approvals for Reconnections and Property Additions  
3 Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule  
4 adopted by the Commission pursuant to this section shall be substantively identical to the  
5 provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject  
6 to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this  
7 section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written  
8 objections had been received as provided in G.S. 150B-21.3(b2).

9           **SECTION 4.15.(e)** Sunset. – This section expires when permanent rules adopted as  
10 required by subsection (d) of this section become effective.

11           **SECTION 4.16.(a)** Definitions. – For purposes of this section and its  
12 implementation, "Alternative Wastewater System Permitting Options Rule" means 15A NCAC  
13 18E .0207 (Alternative Wastewater System Permitting Options).

14           **SECTION 4.16.(b)** Alternative Wastewater System Permitting Options Rule. – Until  
15 the effective date of the revised permanent rule that the Commission for Public Health is required  
16 to adopt pursuant to subsection (d) of this section, the Commission shall implement the  
17 Alternative Wastewater System Permitting Options Rule as provided in subsection (c) of this  
18 section.

19           **SECTION 4.16.(c)** Implementation. – An Engineer Option Permit may be used if  
20 the wastewater system design requires a professional engineer in accordance with 15A NCAC  
21 .0303(a). The Notice of Intent submitted pursuant to this Rule shall include the signed and sealed  
22 signature of the licensed soil scientist or licensed geologist releasing the soils report to be used  
23 in the issuance of the Notice of Intent.

24           **SECTION 4.16.(d)** Additional Rulemaking Authority. – The Commission shall  
25 adopt a rule to amend the Alternative Wastewater System Permitting Options Rule consistent  
26 with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the  
27 Commission pursuant to this section shall be substantively identical to the provisions of  
28 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of  
29 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall  
30 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections  
31 had been received as provided in G.S. 150B-21.3(b2).

32           **SECTION 4.16.(e)** Sunset. – This section expires when permanent rules adopted as  
33 required by subsection (d) of this section become effective.

34           **SECTION 4.17.(a)** Definitions. – For purposes of this section and its  
35 implementation, "Owners Rule" means 15A NCAC 18E .0301 (Owners).

36           **SECTION 4.17.(b)** Owners Rule. – Until the effective date of the revised permanent  
37 rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this  
38 section, the Commission shall implement the Owners Rule as provided in subsection (c) of this  
39 section.

40           **SECTION 4.17.(c)** Implementation. – An easement or encroachment agreement  
41 shall be required for the permitting of any of the following installations: (1) any part of the  
42 wastewater system is located in a common area with other wastewater systems; (2) any part of  
43 the wastewater system is located in an area with multiple or third-party ownership or control; (3)  
44 any part of the wastewater system is proposed to be in an off-site area; or (4) any part of the  
45 wastewater system and the facility are located on different lots or tracts of land and cross a  
46 property line or right-of-way. Any necessary easements, rights-of-ways, or encroachment  
47 agreements shall specify in a deed by metes and bounds description the area or site required for  
48 the wastewater system and repair area, including force mains and supply lines.

49           **SECTION 4.17.(d)** Additional Rulemaking Authority. – The Commission shall  
50 adopt a rule to amend the Owners Rule consistent with subsection (c) of this section.  
51 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section

1 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
2 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
3 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
4 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
5 G.S. 150B-21.3(b2).

6 **SECTION 4.17.(e)** Sunset. – This section expires when permanent rules adopted as  
7 required by subsection (d) of this section become effective.

8 **SECTION 4.18.(a)** Definitions. – For purposes of this section and its  
9 implementation, "Local Health Department and Department Rule" means 15A NCAC 18E .0302  
10 (Local Health Department and Department).

11 **SECTION 4.18.(b)** Local Health Department and Department Rule. – Until the  
12 effective date of the revised permanent rule that the Commission for Public Health is required to  
13 adopt pursuant to subsection (d) of this section, the Commission shall implement the Local  
14 Health Department and Department Rule as provided in subsection (c) of this section.

15 **SECTION 4.18.(c)** Implementation. – When a local health department issues a  
16 notice of violation to an owner of a wastewater system pursuant to this rule, the local health  
17 department may pursue legal remedies no sooner than 30 days after the date of the notice of  
18 violation, unless the notice of violation specifies a shorter time frame. The local health  
19 department shall issue a notice of violation to the owner when an individual advanced  
20 pretreatment system at a single site is out of compliance in accordance with 15A NCAC 18E  
21 .1302(f). The authorized agent shall issue a written notice of non-compliance to the owner when  
22 the wastewater system is non-compliant with Article 11 of Chapter 130A of the General Statutes,  
23 the Rules of this Subchapter, or conditions in the operation permit or authorization to operate.  
24 The local health department shall submit a monthly activity report to the Department every month  
25 on a form provided by the Department. The monthly activity report collects information on the  
26 numbers and types of permits issued by the local health department. The local health department  
27 shall adhere to Article 11 of Chapter 130A of the General Statutes, the Rules of this Subchapter,  
28 and all written guidance and interpretations from the Department.

29 **SECTION 4.18.(d)** Additional Rulemaking Authority. – The Commission shall  
30 adopt a rule to amend the Local Health Department and Department Rule consistent with  
31 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the  
32 Commission pursuant to this section shall be substantively identical to the provisions of  
33 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of  
34 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall  
35 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections  
36 had been received as provided in G.S. 150B-21.3(b2).

37 **SECTION 4.18.(e)** Sunset. – This section expires when permanent rules adopted as  
38 required by subsection (d) of this section become effective.

39 **SECTION 4.19.(a)** Definitions. – For purposes of this section and its  
40 implementation, "Licensed or Certified Professionals Rule" means 15A NCAC 18E .0303  
41 (Licensed or Certified Professionals).

42 **SECTION 4.19.(b)** Licensed or Certified Professionals Rule. – Until the effective  
43 date of the revised permanent rule that the Commission for Public Health is required to adopt  
44 pursuant to subsection (d) of this section, the Commission shall implement the Licensed or  
45 Certified Professionals Rule as provided in subsection (c) of this section.

46 **SECTION 4.19.(c)** Implementation. – A local health department shall not require a  
47 North Carolina Professional Engineer to design either of the following: 1) pressure dispersal  
48 systems or pressure dosed gravity systems with a design daily flow greater than 600 gallons per  
49 day serving a single design unit, or 2) two or more septic tanks or advanced pretreatment units,  
50 each serving a separate design unit and served by a common dosing tank.

1           **SECTION 4.19.(d)** Additional Rulemaking Authority. – The Commission shall  
2 adopt a rule to amend the Licensed or Certified Professionals Rule consistent with subsection (c)  
3 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant  
4 to this section shall be substantively identical to the provisions of subsection (c) of this section.  
5 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of  
6 the General Statutes. Rules adopted pursuant to this section shall become effective as provided  
7 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided  
8 in G.S. 150B-21.3(b2).

9           **SECTION 4.19.(e)** Sunset. – This section expires when permanent rules adopted as  
10 required by subsection (d) of this section become effective.

11           **SECTION 4.20.(a)** Definitions. – For purposes of this section and its  
12 implementation, "Design Daily Flow Rule" means 15A NCAC 18E .0401 (Design Daily Flow).

13           **SECTION 4.20.(b)** Design Daily Flow Rule. – Until the effective date of the revised  
14 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection  
15 (d) of this section, the Commission shall implement the Design Daily Flow Rule as provided in  
16 subsection (c) of this section.

17           **SECTION 4.20.(c)** Implementation. – In calculating design daily flow, the designer  
18 is not required to use the maximum building occupancy assigned by the local fire marshal. The  
19 design daily flow for a recreational park trailer or park model trailer 400 square feet or less in a  
20 recreational vehicle park is 120 gallons per space. The design daily flow for a food establishment  
21 with multiuse articles is 25 gallons per seat open 6 hours per day or less, or 40 gallons per seat  
22 when open 6 to 16 hours per day and shall not be based on square footage of floor space. The  
23 design daily flow for a food establishment with single service articles is 20 gallons per seat open  
24 6 hours per day or less, or 30 gallons per seat when open 6 to 16 hours per day and shall not be  
25 based on square footage of floor space. The design daily flow for rest homes, assisted living  
26 homes, group homes, and nursing homes shall increase by 60 gallons per day per resident  
27 employee, regardless of the presence of laundry facilities. The design daily flow for drug  
28 rehabilitation, mental health, and other care institutions shall be 12 gallons per day per employee  
29 working an 8-hour shift or less or 60 gallons per day per resident employee, increasing by 2  
30 gallons per employee per hour when an employee works more than an 8-hour shift. The design  
31 daily flow for fitness center, spas, karate, dance, and exercise shall be 5 gallons per person,  
32 increasing by 10 gallons per person if the facility includes showers. The design daily flow for  
33 day schools with a gymnasium only shall be 9 gallons per day per student. Day care facilities  
34 shall be reclassified as "family child care home or child care centers."

35           **SECTION 4.20.(d)** Additional Rulemaking Authority. – The Commission shall  
36 adopt a rule to amend the Design Daily Flow Rule consistent with subsection (c) of this section.  
37 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
38 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
39 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
40 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
41 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
42 G.S. 150B-21.3(b2).

43           **SECTION 4.20.(e)** Sunset. – This section expires when permanent rules adopted as  
44 required by subsection (d) of this section become effective.

45           **SECTION 4.21.(a)** Definitions. – For purposes of this section and its  
46 implementation, "Available Space Rule" means 15A NCAC 18E .0508 (Available Space).

47           **SECTION 4.21.(b)** Available Space Rule. – Until the effective date of the revised  
48 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection  
49 (d) of this section, the Commission shall implement the Available Space Rule as provided in  
50 subsection (c) of this section.

1           **SECTION 4.21.(c)** Implementation. – The repair area requirement of Paragraph (a)  
2 of this Rule shall not apply to a lot of tract of land if that lot or tract is described in a recorded  
3 deed or a recorded plat on or before January 1, 1983. The Department of Health and Human  
4 Services shall specify the information required for a wastewater system to be approved with a  
5 two-year field demonstration. Wastewater systems with a rated capacity greater than 1,500  
6 gallons per day that have a letter from NSF International stating that the system will comply with  
7 NSF/ANSI Standard 350 may eliminate the requirement for a repair area when installed in Group  
8 I soils.

9           **SECTION 4.21.(d)** Additional Rulemaking Authority. – The Commission shall  
10 adopt a rule to amend the Available Space Rule consistent with subsection (c) of this section.  
11 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
12 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
13 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
14 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
15 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
16 G.S. 150B-21.3(b2).

17           **SECTION 4.21.(e)** Sunset. – This section expires when permanent rules adopted as  
18 required by subsection (d) of this section become effective.

19           **SECTION 4.22.(a)** Definitions. – For purposes of this section and its  
20 implementation, "Location of Wastewater Systems Rule" means 15A NCAC 18E .0601  
21 (Location of Wastewater Systems).

22           **SECTION 4.22.(b)** Location of Wastewater Systems Rule. – Until the effective date  
23 of the revised permanent rule that the Commission for Public Health is required to adopt pursuant  
24 to subsection (d) of this section, the Commission shall implement the Location of Wastewater  
25 Systems Rule as provided in subsection (c) of this section.

26           **SECTION 4.22.(c)** Implementation. – The minimum setback for a private drinking  
27 water well or upslope spring serving a single-family dwelling unit from a wastewater system  
28 permitted or installed in saprolite shall be 50 feet. Building foundation and any structural supports  
29 requiring a footing or other load bearing construction in the North Carolina Building Code shall  
30 have a horizontal setback of five feet. Appurtenant structures, stairs, or landing structures  
31 designed specifically to be set directly on the ground and do not require footings; sidewalks;  
32 pavers; lighting fixtures; or signage shall have a horizontal setback of one foot. Top of slope of  
33 embankment or cuts of two feet or more vertical height with a slope less than or equal to 33  
34 percent are not required to have a horizontal setback. Downslope interceptor or foundation drains  
35 and surface water diversions with a vertical cut of more than two feet, as measured on the ground  
36 surface from the edge of the feature shall have a horizontal setback of 15 feet. Upslope and  
37 sideslope interceptor or foundation drains and surface water diversions with a vertical cut of more  
38 than two feet, as measured on the ground surface from the edge of the feature shall have a  
39 horizontal setback of 10 feet. There shall be no horizontal setbacks from underground utilities.  
40 Collection sewers, force mains, and supply lines shall be located the minimum setbacks to site  
41 features shown in Table IX of this Rule, unless a different minimum setback is specified in Table  
42 XII of this Rule. If a supply line or force main is installed under areas subject to vehicular traffic  
43 or areas subject to soil disturbance or compaction, one of the following pipe materials shall be  
44 used: ductile iron pipe; a minimum of Schedule 40 Polyvinyl Chloride, Polyethylene, or  
45 Acrylonitrile-Butadiene-Styrene pipe sleeved in ductile iron pipe; a minimum of Schedule 40  
46 Polyvinyl Chloride, Polyethylene, or Acrylonitrile-Butadiene-Styrene pipe sleeved in  
47 Department of Transportation traffic rated culvert pipe; a minimum of Schedule 40 Polyvinyl  
48 Chloride, Polyethylene, or Acrylonitrile-Butadiene-Styrene pipe with 30 inches of compacted  
49 material provided over the crown of the pipe; or other pipe materials may be proposed when  
50 designed, inspected, and certified by a Professional Engineer and approved by the local health  
51 department. When a reduced setback to a collection sewer, force main, or supply line is utilized,

1 the piping requirements for the reduced setback shall be extended to comply with the unreduced  
2 setback. Table XII in this Rule shall be renamed Minimum setbacks from collection sewers, force  
3 mains, and supply lines to site features. Force main or supply line shall be added with collection  
4 sewer in 15A NCAC 18E .0601(l), (m), (n), (o), (p), and Table XII. Wastewater systems may be  
5 located closer than 100 feet but never less than 50 feet from water supply wells or an upslope  
6 spring for repairs, space limitations, and other site-planning considerations when one of the  
7 following conditions is met: 1) the well was constructed prior to July 1, 1993, in accordance with  
8 15A NCAC 18A .1720; or 2) a variance for a reduced well setback has been issued in accordance  
9 with one of the following: a) 15A NCAC 02C .0118 for a shared water supply well or for a  
10 transient non-community public water supply well; or b) 15A NCAC 18C .0203(b) for a non-  
11 transient non-community public water system.

12 **SECTION 4.22.(d)** Additional Rulemaking Authority. – The Commission shall  
13 adopt a rule to amend the Location of Wastewater Systems Rule consistent with subsection (c)  
14 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant  
15 to this section shall be substantively identical to the provisions of subsection (c) of this section.  
16 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of  
17 the General Statutes. Rules adopted pursuant to this section shall become effective as provided  
18 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided  
19 in G.S. 150B-21.3(b2).

20 **SECTION 4.22.(e)** Sunset. – This section expires when permanent rules adopted as  
21 required by subsection (d) of this section become effective.

22 **SECTION 4.23.(a)** Definitions. – For purposes of this section and its  
23 implementation, "Collection Sewers Rule" means 15A NCAC 18E .0701 (Collection Sewers).

24 **SECTION 4.23.(b)** Collection Sewers Rule. – Until the effective date of the revised  
25 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection  
26 (d) of this section, the Commission shall implement the Collection Sewers Rule as provided in  
27 subsection (c) of this section.

28 **SECTION 4.23.(c)** Implementation. – Collection sewers for wastewater systems  
29 with a design daily flow greater than 3,000 gallons per day shall be designed and constructed in  
30 accordance with the criteria established in this Rule.

31 **SECTION 4.23.(d)** Additional Rulemaking Authority. – The Commission shall  
32 adopt a rule to amend the Collection Sewers Rule consistent with subsection (c) of this section.  
33 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
34 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
35 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
36 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
37 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
38 G.S. 150B-21.3(b2).

39 **SECTION 4.23.(e)** Sunset. – This section expires when permanent rules adopted as  
40 required by subsection (d) of this section become effective.

41 **SECTION 4.24.(a)** Definitions. – For purposes of this section and its  
42 implementation, "Raw Sewage Lift Stations Rule" means 15A NCAC 18E .0702 (Raw Sewage  
43 Lift Stations).

44 **SECTION 4.24.(b)** Raw Sewage Lift Stations Rule. – Until the effective date of the  
45 revised permanent rule that the Commission for Public Health is required to adopt pursuant to  
46 subsection (d) of this section, the Commission shall implement the Raw Sewage Lift Stations  
47 Rule as provided in subsection (c) of this section.

48 **SECTION 4.24.(c)** Implementation. – Raw sewage lift stations for wastewater  
49 systems with a design daily flow greater than 3,000 gallons per day shall meet all setbacks for  
50 wastewater systems in accordance with Table IX of Rule 15A NCAC 18E .0601. Raw sewage

1 lift stations for wastewater systems with a design daily flow greater than 3,000 gallons per day  
2 shall be designed and constructed in accordance with the criteria established in this Rule.

3 **SECTION 4.24.(d)** Additional Rulemaking Authority. – The Commission shall  
4 adopt a rule to amend the Raw Sewage Lift Stations Rule consistent with subsection (c) of this  
5 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this  
6 section shall be substantively identical to the provisions of subsection (c) of this section. Rules  
7 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the  
8 General Statutes. Rules adopted pursuant to this section shall become effective as provided in  
9 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
10 G.S. 150B-21.3(b2).

11 **SECTION 4.24.(e)** Sunset. – This section expires when permanent rules adopted as  
12 required by subsection (d) of this section become effective.

13 **SECTION 4.25.(a)** Definitions. – For purposes of this section and its  
14 implementation, "Pipe Materials Rule" means 15A NCAC 18E .0703 (Pipe Materials).

15 **SECTION 4.25.(b)** Pipe Materials Rule. – Until the effective date of the revised  
16 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection  
17 (d) of this section, the Commission shall implement the Pipe Materials Rule as provided in  
18 subsection (c) of this section.

19 **SECTION 4.25.(c)** Implementation. – The gravity pipe between a septic tank,  
20 gravity distribution device, and the dispersal field shall have a minimum fall of 1/8-inch per foot  
21 if the installation requirements of Paragraph (b) of this Rule are met.

22 **SECTION 4.25.(d)** Additional Rulemaking Authority. – The Commission shall  
23 adopt a rule to amend the Pipe Materials Rule consistent with subsection (c) of this section.  
24 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
25 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
26 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
27 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
28 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
29 G.S. 150B-21.3(b2).

30 **SECTION 4.25.(e)** Sunset. – This section expires when permanent rules adopted as  
31 required by subsection (d) of this section become effective.

32 **SECTION 4.26.(a)** Definitions. – For purposes of this section and its  
33 implementation, "Septic Tank Capacity Requirements Rule" means 15A NCAC 18E .0801  
34 (Septic Tank Capacity Requirements).

35 **SECTION 4.26.(b)** Septic Tank Capacity Requirements Rule. – Until the effective  
36 date of the revised permanent rule that the Commission for Public Health is required to adopt  
37 pursuant to subsection (d) of this section, the Commission shall implement the Septic Tank  
38 Capacity Requirements Rule as provided in subsection (c) of this section.

39 **SECTION 4.26.(c)** Implementation. – The minimum septic tank capacity serving  
40 two or more dwelling units shall be sized in accordance with Table XV of this Rule. This Rule  
41 shall not include any requirements that conflict with the 2018 North Carolina Plumbing Code.

42 **SECTION 4.26.(d)** Additional Rulemaking Authority. – The Commission shall  
43 adopt a rule to amend the Septic Tank Capacity Requirements Rule consistent with subsection  
44 (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission  
45 pursuant to this section shall be substantively identical to the provisions of subsection (c) of this  
46 section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter  
47 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as  
48 provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as  
49 provided in G.S. 150B-21.3(b2).

50 **SECTION 4.26.(e)** Sunset. – This section expires when permanent rules adopted as  
51 required by subsection (d) of this section become effective.

1           **SECTION 4.27.(a)** Definitions. – For purposes of this section and its  
2 implementation, "Tank Leak Testing and Installation Requirements Rule" means 15A NCAC  
3 18E .0805 (Tank Leak Testing and Installation Requirements).

4           **SECTION 4.27.(b)** Tank Leak Testing and Installation Requirements Rule. – Until  
5 the effective date of the revised permanent rule that the Commission for Public Health is required  
6 to adopt pursuant to subsection (d) of this section, the Commission shall implement the Tank  
7 Leak Testing and Installation Requirements Rule as provided in subsection (c) of this section.

8           **SECTION 4.27.(c)** Implementation. – Tanks shall be only leak tested when required  
9 in the approved plans and specifications for a wastewater system designed by a professional  
10 engineer or an Authorized On-Site Wastewater Evaluator, or when the tank is constructed in  
11 place at the jobsite by a person not approved by the Department as a tank manufacturer using  
12 bricks, blocks, or poured in place in concrete. The local health department shall be required to  
13 document the observation of the leak testing. The septic tank outlet pipe shall be inserted through  
14 the outlet pipe penetration boot, creating a watertight joint, and extending beyond the septic tank  
15 outlet by any amount, with no minimum extension required. The septic tank outlet pipe and pump  
16 tank outlet pipe shall be placed on undisturbed soil, compacted soil, or bedded in accordance  
17 with 15A NCAC 18E .0703(b) to prevent differential settling of the pipe.

18           **SECTION 4.27.(d)** Additional Rulemaking Authority. – The Commission shall  
19 adopt a rule to amend the Tank Leak Testing and Installation Requirements Rule consistent with  
20 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the  
21 Commission pursuant to this section shall be substantively identical to the provisions of  
22 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of  
23 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall  
24 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections  
25 had been received as provided in G.S. 150B-21.3(b2).

26           **SECTION 4.27.(e)** Sunset. – This section expires when permanent rules adopted as  
27 required by subsection (d) of this section become effective.

28           **SECTION 4.28.(a)** Definitions. – For purposes of this section and its  
29 implementation, "General Design and Installation Criteria for Subsurface Dispersal Systems  
30 Rule" means 15A NCAC 18E .0901 (General Design and Installation Criteria for Subsurface  
31 Dispersal Systems).

32           **SECTION 4.28.(b)** General Design and Installation Criteria for Subsurface  
33 Dispersal Systems Rule. – Until the effective date of the revised permanent rule that the  
34 Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the  
35 Commission shall implement the General Design and Installation Criteria for Subsurface  
36 Dispersal Systems Rule as provided in subsection (c) of this section.

37           **SECTION 4.28.(c)** Implementation. – The minimum required infiltrative surface  
38 area and trench length shall be calculated when high strength effluent is proposed to be  
39 discharged to a dispersal field with no advanced pretreatment as required in 15A NCAC  
40 .0402(b)(1) or has not been reclassified as domestic strength effluent in accordance with 15A  
41 NCAC .0402(c), a licensed professional, if required by Chapters 89C, 89E, or 89F, shall calculate  
42 the adjusted long term acceptance rate in accordance with 15A NCAC .0402(b)(2). Wastewater  
43 system installation for serial and sequential distribution shall be approved by the authorized agent  
44 when the step-down or drop box in an individual trench is constructed to allow full utilization of  
45 the upstream trench prior to overflowing to the next downslope trench in accordance with the  
46 following criteria: 1) step-downs shall be constructed of a minimum of two feet of undisturbed  
47 soil, bedding material, or concrete and the effluent shall be conveyed over the step-down through  
48 Schedule 40 Polyvinyl Chloride or other pipe approved in accordance with 15A NCAC .0703(f).  
49 Nonperforated corrugated polyethylene tubing may be used on sites with slopes greater than 25%.  
50 The installer shall demonstrate that the step-downs perform as designed. The authorized agent  
51 shall approve the step-downs when the installation and elevations have been verified in

1 accordance with the construction authorization; or drop boxes shall be separated from the trench  
2 by a minimum of two feet of undisturbed soil and constructed to allow for full utilization of the  
3 upstream trench prior to overflowing to the next lower drop box. The installer shall demonstrate  
4 that the drop boxes perform as designed. The authorized agent shall approve the drop boxes when  
5 the installation and elevations have been verified in accordance with the construction  
6 authorization.

7 **SECTION 4.28.(d)** Additional Rulemaking Authority. – The Commission shall  
8 adopt a rule to amend the General Design and Installation Criteria for Subsurface Dispersal  
9 Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4),  
10 the rule adopted by the Commission pursuant to this section shall be substantively identical to  
11 the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not  
12 subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant  
13 to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more  
14 written objections had been received as provided in G.S. 150B-21.3(b2).

15 **SECTION 4.28.(e)** Sunset. – This section expires when permanent rules adopted as  
16 required by subsection (d) of this section become effective.

17 **SECTION 4.29.(a)** Definitions. – For purposes of this section and its  
18 implementation, "Conventional Wastewater Systems Rule" means 15A NCAC 18E .0902  
19 (Conventional Wastewater Systems).

20 **SECTION 4.29.(b)** Conventional Wastewater Systems Rule. – Until the effective  
21 date of the revised permanent rule that the Commission for Public Health is required to adopt  
22 pursuant to subsection (d) of this section, the Commission shall implement the Conventional  
23 Wastewater Systems Rule as provided in subsection (c) of this section.

24 **SECTION 4.29.(c)** Implementation. – Aggregate used in trenches shall be clean,  
25 washed gravel or crushed stone and graded or sized in accordance with size numbers 4, 467M,  
26 5, 6, 57, or 67 of ASTM D448.

27 **SECTION 4.29.(d)** Additional Rulemaking Authority. – The Commission shall  
28 adopt a rule to amend the Conventional Wastewater Systems Rule consistent with subsection (c)  
29 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant  
30 to this section shall be substantively identical to the provisions of subsection (c) of this section.  
31 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of  
32 the General Statutes. Rules adopted pursuant to this section shall become effective as provided  
33 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided  
34 in G.S. 150B-21.3(b2).

35 **SECTION 4.29.(e)** Sunset. – This section expires when permanent rules adopted as  
36 required by subsection (d) of this section become effective.

37 **SECTION 4.30.(a)** Definitions. – For purposes of this section and its  
38 implementation, "Large Diameter Pipe Systems Rule" means 15A NCAC 18E .0904 (Large  
39 Diameter Pipe Systems).

40 **SECTION 4.30.(b)** Large Diameter Pipe Systems Rule. – Until the effective date of  
41 the revised permanent rule that the Commission for Public Health is required to adopt pursuant  
42 to subsection (d) of this section, the Commission shall implement the Large Diameter Pipe  
43 Systems Rule as provided in subsection (c) of this section.

44 **SECTION 4.30.(c)** Implementation. – Large diameter pipe systems shall not be used  
45 with food service establishments or other facilities where the fats, oils, and grease exceed the  
46 limit of domestic strength effluent. Backfill shall not be limited to Soil Groups I, II, or III.

47 **SECTION 4.30.(d)** Additional Rulemaking Authority. – The Commission shall  
48 adopt a rule to amend the Large Diameter Pipe Systems Rule consistent with subsection (c) of  
49 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to  
50 this section shall be substantively identical to the provisions of subsection (c) of this section.  
51 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of



1 the General Statutes. Rules adopted pursuant to this section shall become effective as provided  
2 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided  
3 in G.S. 150B-21.3(b2).

4 **SECTION 4.30.(e)** Sunset. – This section expires when permanent rules adopted as  
5 required by subsection (d) of this section become effective.

6 **SECTION 4.31.(a)** Definitions. – For purposes of this section and its  
7 implementation, "Prefabricated Permeable Block Panel Systems Rule" means 15A NCAC 18E  
8 .0905 (Prefabricated Permeable Block Panel Systems).

9 **SECTION 4.31.(b)** Prefabricated Permeable Block Panel Systems Rule. – Until the  
10 effective date of the revised permanent rule that the Commission for Public Health is required to  
11 adopt pursuant to subsection (d) of this section, the Commission shall implement the  
12 Prefabricated Permeable Block Panel Systems Rule as provided in subsection (c) of this section.

13 **SECTION 4.31.(c)** Implementation. – Prefabricated permeable block panel systems  
14 shall not be used with food service establishments or other facilities where the fats, oil, and grease  
15 exceed the limit of domestic strength effluent.

16 **SECTION 4.31.(d)** Additional Rulemaking Authority. – The Commission shall  
17 adopt a rule to amend the Prefabricated Permeable Block Panel Systems Rule consistent with  
18 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the  
19 Commission pursuant to this section shall be substantively identical to the provisions of  
20 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of  
21 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall  
22 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections  
23 had been received as provided in G.S. 150B-21.3(b2).

24 **SECTION 4.31.(e)** Sunset. – This section expires when permanent rules adopted as  
25 required by subsection (d) of this section become effective.

26 **SECTION 4.32.(a)** Definitions. – For purposes of this section and its  
27 implementation, "Sand Lined Trench Systems Rule" means 15A NCAC 18E .0906 (Sand Lined  
28 Trench Systems).

29 **SECTION 4.32.(b)** Sand Lined Trench Systems Rule. – Until the effective date of  
30 the revised permanent rule that the Commission for Public Health is required to adopt pursuant  
31 to subsection (d) of this section, the Commission shall implement the Sand Lined Trench Systems  
32 Rule as provided in subsection (c) of this section.

33 **SECTION 4.32.(c)** Implementation. – There shall be no depth requirement for the  
34 naturally occurring receiving permeable horizon for any soil or site, nor shall advanced  
35 pretreatment be required if the receiving permeable horizon is greater than 60 inches below the  
36 naturally occurring soil surface.

37 **SECTION 4.32.(d)** Additional Rulemaking Authority. – The Commission shall  
38 adopt a rule to amend the Sand Lined Trench Systems Rule consistent with subsection (c) of this  
39 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this  
40 section shall be substantively identical to the provisions of subsection (c) of this section. Rules  
41 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the  
42 General Statutes. Rules adopted pursuant to this section shall become effective as provided in  
43 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
44 G.S. 150B-21.3(b2).

45 **SECTION 4.32.(e)** Sunset. – This section expires when permanent rules adopted as  
46 required by subsection (d) of this section become effective.

47 **SECTION 4.33.(a)** Definitions. – For purposes of this section and its  
48 implementation, "Low Pressure Pipe Systems Rule" means 15A NCAC 18E .0907 (Low Pressure  
49 Pipe Systems).

50 **SECTION 4.33.(b)** Low Pressure Pipe Systems Rule. – Until the effective date of  
51 the revised permanent rule that the Commission for Public Health is required to adopt pursuant

1 to subsection (d) of this section, the Commission shall implement the Low Pressure Pipe Systems  
2 Rule as provided in subsection (c) of this section.

3 **SECTION 4.33.(c) Implementation.** – The minimum required dispersal field area  
4 and trench length shall be calculated when high strength effluent is proposed to be discharge to  
5 a low pressure pipe field with no advanced pretreatment as required in 15A NCAC 18E  
6 .0402(b)(1) or has not been reclassified as domestic strength effluent in accordance with 15A  
7 NCAC .0402(c), a licensed professional, if required by Chapters 89C, 89E, or 89F of the General  
8 Statutes, shall calculate the long term acceptance rate in accordance with 15A NCAC 18E  
9 .0402(b)(2).

10 **SECTION 4.33.(d) Additional Rulemaking Authority.** – The Commission shall  
11 adopt a rule to amend the Low Pressure Pipe Systems Rule consistent with subsection (c) of this  
12 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this  
13 section shall be substantively identical to the provisions of subsection (c) of this section. Rules  
14 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the  
15 General Statutes. Rules adopted pursuant to this section shall become effective as provided in  
16 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
17 G.S. 150B-21.3(b2).

18 **SECTION 4.33.(e) Sunset.** – This section expires when permanent rules adopted as  
19 required by subsection (d) of this section become effective.

20 **SECTION 4.34.(a) Definitions.** – For purposes of this section and its  
21 implementation, "Drip Dispersal Systems Rule" means 15A NCAC 18E .0908 (Drip Dispersal  
22 Systems).

23 **SECTION 4.34.(b) Drip Dispersal Systems Rule.** – Until the effective date of the  
24 revised permanent rule that the Commission for Public Health is required to adopt pursuant to  
25 subsection (d) of this section, the Commission shall implement the Drip Dispersal Systems Rule  
26 as provided in subsection (c) of this section.

27 **SECTION 4.34.(c) Implementation.** – Drip dispersal systems receiving domestic  
28 strength effluent shall meet the soil and site criteria identified in 15A NCAC .0908(c).

29 **SECTION 4.34.(d) Additional Rulemaking Authority.** – The Commission shall  
30 adopt a rule to amend the Drip Dispersal Systems Rule consistent with subsection (c) of this  
31 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this  
32 section shall be substantively identical to the provisions of subsection (c) of this section. Rules  
33 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the  
34 General Statutes. Rules adopted pursuant to this section shall become effective as provided in  
35 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
36 G.S. 150B-21.3(b2).

37 **SECTION 4.34.(e) Sunset.** – This section expires when permanent rules adopted as  
38 required by subsection (d) of this section become effective.

39 **SECTION 4.35.(a) Definitions.** – For purposes of this section and its  
40 implementation, "Fill Systems Rule" means 15A NCAC 18E .0909 (Fill Systems).

41 **SECTION 4.35.(b) Fill Systems Rule.** – Until the effective date of the revised  
42 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection  
43 (d) of this section, the Commission shall implement the Fill Systems Rule as provided in  
44 subsection (c) of this section.

45 **SECTION 4.35.(c) Implementation.** – New fill systems shall only be installed on  
46 sites with uniform slopes less than 15 percent.

47 **SECTION 4.35.(d) Additional Rulemaking Authority.** – The Commission shall  
48 adopt a rule to amend the Fill Systems Rule consistent with subsection (c) of this section.  
49 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
50 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
51 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General

1 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
2 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
3 G.S. 150B-21.3(b2).

4 **SECTION 4.35.(e)** Sunset. – This section expires when permanent rules adopted as  
5 required by subsection (d) of this section become effective.

6 **SECTION 4.36.(a)** Definitions. – For purposes of this section and its  
7 implementation, "Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design  
8 Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule" means 15A NCAC 18E .1202 (Siting  
9 and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or  
10 Equal to 1,500 Gallons/Day).

11 **SECTION 4.36.(b)** Siting and Sizing Criteria for Advanced Pretreatment Systems  
12 with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule. – Until the effective  
13 date of the revised permanent rule that the Commission for Public Health is required to adopt  
14 pursuant to subsection (d) of this section, the Commission shall implement the Siting and Sizing  
15 Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to  
16 1,500 Gallons/Day Rule as provided in subsection (c) of this section.

17 **SECTION 4.36.(c)** Implementation. – Sandy clay loam saprolite may be used with  
18 advanced pretreatment meeting NSF/ANSI 40, Treatment Standard I, or Treatment Standard II  
19 effluent standards.

20 **SECTION 4.36.(d)** Additional Rulemaking Authority. – The Commission shall  
21 adopt a rule to amend the Siting and Sizing Criteria for Advanced Pretreatment Systems with a  
22 Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule consistent with subsection (c)  
23 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant  
24 to this section shall be substantively identical to the provisions of subsection (c) of this section.  
25 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of  
26 the General Statutes. Rules adopted pursuant to this section shall become effective as provided  
27 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided  
28 in G.S. 150B-21.3(b2).

29 **SECTION 4.36.(e)** Sunset. – This section expires when permanent rules adopted as  
30 required by subsection (d) of this section become effective.

31 **SECTION 4.37.(a)** Definitions. – For purposes of this section and its  
32 implementation, "Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design  
33 Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule"  
34 means 15A NCAC 18E .1203 (Siting and Sizing Criteria for Advanced Pretreatment Systems  
35 with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000  
36 Gallons/Day).

37 **SECTION 4.37.(b)** Siting and Sizing Criteria for Advanced Pretreatment Systems  
38 with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000  
39 Gallons/Day Rule. – Until the effective date of the revised permanent rule that the Commission  
40 for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission  
41 shall implement the Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design  
42 Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule  
43 as provided in subsection (c) of this section.

44 **SECTION 4.37.(c)** Implementation. – Sandy clay loam saprolite may be used with  
45 advanced pretreatment meeting NSF/ANSI 40, Treatment Standard I, or Treatment Standard II  
46 effluent standards, or with advanced pretreatment with a design daily flow greater than 3,000  
47 gallons per day.

48 **SECTION 4.37.(d)** Additional Rulemaking Authority. – The Commission shall  
49 adopt a rule to amend the Siting and Sizing Criteria for Advanced Pretreatment Systems with a  
50 Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000  
51 Gallons/Day Rule consistent with subsection (c) of this section. Notwithstanding

1 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be  
2 substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant  
3 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.  
4 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1),  
5 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

6 **SECTION 4.37.(e)** Sunset. – This section expires when permanent rules adopted as  
7 required by subsection (d) of this section become effective.

8 **SECTION 4.38.(a)** Definitions. – For purposes of this section and its  
9 implementation, "Advanced Pretreatment Sand Lined Trench Systems Rule" means 15A NCAC  
10 18E .1205 (Advanced Pretreatment Sand Lined Trench Systems).

11 **SECTION 4.38.(b)** Advanced Pretreatment Sand Lined Trench Systems Rule. –  
12 Until the effective date of the revised permanent rule that the Commission for Public Health is  
13 required to adopt pursuant to subsection (d) of this section, the Commission shall implement the  
14 Advanced Pretreatment Sand Lined Trench Systems Rule as provided in subsection (c) of this  
15 section.

16 **SECTION 4.38.(c)** Implementation. – Trench length for trench dispersal products  
17 approved with a specific dispersal field reduction in area or trench length when receiving  
18 domestic strength effluent in accordance with this Subchapter or a provisional Innovative or  
19 Accepted approval shall be calculated in accordance with this Subchapter or the provisional  
20 Innovative or Accepted approval.

21 **SECTION 4.38.(d)** Additional Rulemaking Authority. – The Commission shall  
22 adopt a rule to amend the Advanced Pretreatment Sand Lined Trench Systems Rule consistent  
23 with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the  
24 Commission pursuant to this section shall be substantively identical to the provisions of  
25 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of  
26 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall  
27 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections  
28 had been received as provided in G.S. 150B-21.3(b2).

29 **SECTION 4.38.(e)** Sunset. – This section expires when permanent rules adopted as  
30 required by subsection (d) of this section become effective.

31 **SECTION 4.39.(a)** Definitions. – For purposes of this section and its  
32 implementation, "Operation and Maintenance of Wastewater Systems Rule" means 15A NCAC  
33 18E .1301 (Operation and Maintenance of Wastewater Systems).

34 **SECTION 4.39.(b)** Operation and Maintenance of Wastewater Systems Rule. –  
35 Until the effective date of the revised permanent rule that the Commission for Public Health is  
36 required to adopt pursuant to subsection (d) of this section, the Commission shall implement the  
37 Operation and Maintenance of Wastewater Systems Rule as provided in subsection (c) of this  
38 section.

39 **SECTION 4.39.(c)** Implementation. – System Classification Type IIa shall be  
40 described as a conventional system with 750 linear feet of trench or less. System Classification  
41 Type IIIa shall be deleted.

42 **SECTION 4.39.(d)** Additional Rulemaking Authority. – The Commission shall  
43 adopt a rule to amend the Operation and Maintenance of Wastewater Systems Rule consistent  
44 with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the  
45 Commission pursuant to this section shall be substantively identical to the provisions of  
46 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of  
47 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall  
48 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections  
49 had been received as provided in G.S. 150B-21.3(b2).

50 **SECTION 4.39.(e)** Sunset. – This section expires when permanent rules adopted as  
51 required by subsection (d) of this section become effective.

1           **SECTION 4.40.(a)** Definitions. – For purposes of this section and its  
2 implementation, "Local Health Department Responsibilities for Wastewater System Operation  
3 and Maintenance Rule" means 15A NCAC 18E .1305 (Local Health Department Responsibilities  
4 for Wastewater System Operation and Maintenance).

5           **SECTION 4.40.(b)** Local Health Department Responsibilities for Wastewater  
6 System Operation and Maintenance Rule. – Until the effective date of the revised permanent rule  
7 that the Commission for Public Health is required to adopt pursuant to subsection (d) of this  
8 section, the Commission shall implement the Local Health Department Responsibilities for  
9 Wastewater System Operation and Maintenance Rule as provided in subsection (c) of this  
10 section.

11           **SECTION 4.40.(c)** Implementation. – The authorized agent shall issue a written  
12 notice of non-compliance to the owner when the wastewater system is not malfunctioning in  
13 accordance with 15A NCAC 18E .1303(a)(2), but non-compliant with the performance standards  
14 in the operation permit or the authorization to operate.

15           **SECTION 4.40.(d)** Additional Rulemaking Authority. – The Commission shall  
16 adopt a rule to amend the Local Health Department Responsibilities for Wastewater System  
17 Operation and Maintenance Rule consistent with subsection (c) of this section. Notwithstanding  
18 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be  
19 substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant  
20 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.  
21 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1),  
22 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

23           **SECTION 4.40.(e)** Sunset. – This section expires when permanent rules adopted as  
24 required by subsection (d) of this section become effective.

25           **SECTION 4.41.(a)** Definitions. – For purposes of this section and its  
26 implementation, "System Malfunction and Repair Rule" means 15A NCAC 18E .1306 (System  
27 Malfunction and Repair).

28           **SECTION 4.41.(b)** System Malfunction and Repair Rule. – Until the effective date  
29 of the revised permanent rule that the Commission for Public Health is required to adopt pursuant  
30 to subsection (d) of this section, the Commission shall implement the System Malfunction and  
31 Repair Rule as provided in subsection (c) of this section.

32           **SECTION 4.41.(c)** Implementation. – This Rule identifies the responsibilities of the  
33 local health department and the owner when a system is malfunctioning, totally or partially  
34 destroyed, or otherwise determined to require repair. Best professional judgment may be used  
35 when the improvement permit, construction authorization, notice of intent to construct, or  
36 authorization to operate indicates the repair area and system type. The authorized agent,  
37 Authorized On-Site Wastewater Evaluator, or Professional Engineer may use their best  
38 professional judgment to repair facilities with either a malfunctioning wastewater system  
39 installed prior to July 1, 1977 or a wastewater disposal method installed prior to July 1, 1977, if  
40 the method has been in continual use and acts as the sole source of wastewater disposal.

41           **SECTION 4.41.(d)** Additional Rulemaking Authority. – The Commission shall  
42 adopt a rule to amend the System Malfunction and Repair Rule consistent with subsection (c) of  
43 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to  
44 this section shall be substantively identical to the provisions of subsection (c) of this section.  
45 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of  
46 the General Statutes. Rules adopted pursuant to this section shall become effective as provided  
47 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided  
48 in G.S. 150B-21.3(b2).

49           **SECTION 4.41.(e)** Sunset. – This section expires when permanent rules adopted as  
50 required by subsection (d) of this section become effective.

1           **SECTION 4.42.(a)** Definitions. – For purposes of this section and its  
2 implementation, "Plans for Prefabricated Tanks Rule" means 15A NCAC 18E .1401 (Plans for  
3 Prefabricated Tanks).

4           **SECTION 4.42.(b)** Plans for Prefabricated Tanks Rule. – Until the effective date of  
5 the revised permanent rule that the Commission for Public Health is required to adopt pursuant  
6 to subsection (d) of this section, the Commission shall implement the Plans for Prefabricated  
7 Tanks Rule as provided in subsection (c) of this section.

8           **SECTION 4.42.(c)** Implementation. – No documentation of proof of design for a  
9 tank shall be required prior to approval of the tank by the Department.

10           **SECTION 4.42.(d)** Additional Rulemaking Authority. – The Commission shall  
11 adopt a rule to amend the Plans for Prefabricated Tanks Rule consistent with subsection (c) of  
12 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to  
13 this section shall be substantively identical to the provisions of subsection (c) of this section.  
14 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of  
15 the General Statutes. Rules adopted pursuant to this section shall become effective as provided  
16 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided  
17 in G.S. 150B-21.3(b2).

18           **SECTION 4.42.(e)** Sunset. – This section expires when permanent rules adopted as  
19 required by subsection (d) of this section become effective.

20           **SECTION 4.43.(a)** Definitions. – For purposes of this section and its  
21 implementation, "Tank Design and Construction Rule" means 15A NCAC 18E .1402 (Tank  
22 Design and Construction).

23           **SECTION 4.43.(b)** Tank Design and Construction Rule. – Until the effective date  
24 of the revised permanent rule that the Commission for Public Health is required to adopt pursuant  
25 to subsection (d) of this section, the Commission shall implement the Tank Design and  
26 Construction Rule as provided in subsection (c) of this section.

27           **SECTION 4.43.(c)** Implementation. – The location of the tank shall not be required  
28 to be visible at finished grade when the top of the septic tank or access riser is below the finished  
29 grade.

30           **SECTION 4.43.(d)** Additional Rulemaking Authority. – The Commission shall  
31 adopt a rule to amend the Tank Design and Construction Rule consistent with subsection (c) of  
32 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to  
33 this section shall be substantively identical to the provisions of subsection (c) of this section.  
34 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of  
35 the General Statutes. Rules adopted pursuant to this section shall become effective as provided  
36 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided  
37 in G.S. 150B-21.3(b2).

38           **SECTION 4.43.(e)** Sunset. – This section expires when permanent rules adopted as  
39 required by subsection (d) of this section become effective.

40           **SECTION 4.44.(a)** Definitions. – For purposes of this section and its  
41 implementation, "Tank Material Requirements Rule" means 15A NCAC 18E .1403 (Tank  
42 Material Requirements).

43           **SECTION 4.44.(b)** Tank Material Requirements Rule. – Until the effective date of  
44 the revised permanent rule that the Commission for Public Health is required to adopt pursuant  
45 to subsection (d) of this section, the Commission shall implement the Tank Material  
46 Requirements Rule as provided in subsection (c) of this section.

47           **SECTION 4.44.(c)** Implementation. – Reinforced precast concrete tanks shall  
48 achieve a minimum 28-day compressive strength of 4,000 pounds per square inch. The concrete  
49 shall meet a compressive strength of 3,500 pounds per square inch prior to removal of the tank  
50 from the place of manufacture. The delivery of the tank to the jobsite is considered the  
51 certification by the tank manufacturer of these conditions. Authorized agents, professional

1 engineers, or Authorized On-Site Wastewater Evaluators shall follow Department guidance on  
2 any subsequent testing to verify this certification. Readings from a rebound hammer shall not be  
3 used to reject a tank at the jobsite. The local health department, professional engineer, or  
4 authorized on-site wastewater evaluator shall report test readings under those allowed in the  
5 Department guidance document to the On-Site Water Protection Branch and shall be used to  
6 schedule a future random inventory verification by the Department. Rebound hammers shall be  
7 used in accordance with the following when checking the strength of a precast concrete tank: 1)  
8 the surface of the concrete tank tested should be smooth, dry, and free of honeycombing; 2) the  
9 concrete to be tested must be at least four inches thick, readings should be taken around the edges  
10 of the tank , tests should not be on trowelled surfaces, and the test locations should be at least  
11 one inch from the edge of the tank or the location of another test point. The procedure for testing  
12 a tank with a rebound hammer shall be as follows: 1) take a total of 12 readings from around the  
13 tank; 2) the rebound hammer shall be directly perpendicular to the surface of the tank; 3) the  
14 readings should be from different sides of the concrete tank; 4) take readings from at least two  
15 different edges on each tank side, if possible; 5) eliminate the highest and lowest readings taken;  
16 6) average the remaining ten readings and use that average to determine the concrete compressive  
17 strength from the conversion chart on the rebound hammer; and 6) adjust the concrete  
18 compressive strength by  $\pm 25\%$  to account for the rebound hammer's  $\pm 25\%$  error in the reading.  
19 The rebound hammer should be calibrated annually.

20 **SECTION 4.44.(d)** Additional Rulemaking Authority. – The Commission shall  
21 adopt a rule to amend the Tank Material Requirements Rule consistent with subsection (c) of this  
22 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this  
23 section shall be substantively identical to the provisions of subsection (c) of this section. Rules  
24 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the  
25 General Statutes. Rules adopted pursuant to this section shall become effective as provided in  
26 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
27 G.S. 150B-21.3(b2).

28 **SECTION 4.44.(e)** Sunset. – This section expires when permanent rules adopted as  
29 required by subsection (d) of this section become effective.

30 **SECTION 4.45.(a)** Definitions. – For purposes of this section and its  
31 implementation, "Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots  
32 Rule" means 15A NCAC 18E .1404 (Plans and Specifications for Risers, Effluent Filters, and  
33 Pipe Penetration Boots).

34 **SECTION 4.45.(b)** Plans and Specifications for Risers, Effluent Filters, and Pipe  
35 Penetration Boots Rule. – Until the effective date of the revised permanent rule that the  
36 Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the  
37 Commission shall implement the Plans and Specifications for Risers, Effluent Filters, and Pipe  
38 Penetration Boots Rule as provided in subsection (c) of this section.

39 **SECTION 4.45.(c)** Implementation. – Subsections (a), (b), (c), (d), and (g) of this  
40 Rule shall apply to risers, effluent filters, or pipe penetration boots made from plastic or  
41 fiberglass. Concrete risers and riser lids shall be able to withstand a minimum uniform live  
42 loading of 300 pounds per square foot or a minimum 1,500-pound load applied in a 10 inch by  
43 10 inch area centered on the lid, in addition to all loads to which a riser is normally subjected,  
44 such as dead weight of the material and soil cover and active soil pressure on riser walls.  
45 Concrete risers shall meet the following requirements: septic tank risers shall have a secondary  
46 lid, concrete plug, or other safety device that shall be provided inside the riser for security and to  
47 prevent accidental entry; and pump tank risers shall have a secondary safety mechanism that shall  
48 be provided with the riser. The secondary safety mechanism shall be a secondary lid, concrete  
49 plug, or other safety device to be provided inside the pump tank riser.

50 **SECTION 4.45.(d)** Additional Rulemaking Authority. – The Commission shall  
51 adopt a rule to amend the Plans and Specifications for Risers, Effluent Filters, and Pipe

1 Penetration Boots Rule consistent with subsection (c) of this section. Notwithstanding  
2 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be  
3 substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant  
4 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.  
5 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1),  
6 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

7 **SECTION 4.45.(e)** Sunset. – This section expires when permanent rules adopted as  
8 required by subsection (d) of this section become effective.

9 **SECTION 4.46.(a)** Definitions. – For purposes of this section and its  
10 implementation, "Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule"  
11 means 15A NCAC 18E .1405 (Risers, Effluent Filters, and Pipe Penetration Boots Approval  
12 Renewal).

13 **SECTION 4.46.(b)** Risers, Effluent Filters, and Pipe Penetration Boots Approval  
14 Renewal Rule. – Until the effective date of the revised permanent rule that the Commission for  
15 Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall  
16 implement the Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule as  
17 provided in subsection (c) of this section.

18 **SECTION 4.46.(c)** Implementation. – This Rule shall only apply to risers, effluent  
19 filters, or pipe penetration boots made from plastic or fiberglass.

20 **SECTION 4.46.(d)** Additional Rulemaking Authority. – The Commission shall  
21 adopt a rule to amend the Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal  
22 Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule  
23 adopted by the Commission pursuant to this section shall be substantively identical to the  
24 provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject  
25 to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this  
26 section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written  
27 objections had been received as provided in G.S. 150B-21.3(b2).

28 **SECTION 4.46.(e)** Sunset. – This section expires when permanent rules adopted as  
29 required by subsection (d) of this section become effective.

30 **SECTION 4.47.(a)** Definitions. – For purposes of this section and its  
31 implementation, "Local Health Department Responsibilities Rule" means 15A NCAC 18E .1713  
32 (Local Health Department Responsibilities).

33 **SECTION 4.47.(b)** Local Health Department Responsibilities Rule. – Until the  
34 effective date of the revised permanent rule that the Commission for Public Health is required to  
35 adopt pursuant to subsection (d) of this section, the Commission shall implement the Local  
36 Health Department Responsibilities Rule as provided in subsection (c) of this section.

37 **SECTION 4.47.(c)** Implementation. – The local health department shall not be  
38 required to include in its monthly activity reports to the Department the number of new system  
39 operations permits for Provisional, Innovative, or Accepted systems, the number of construction  
40 authorizations issued for Provisional systems, including system type, for repairs of Provisional,  
41 Innovative, Accepted systems, including system type being repaired, or repairs of Accepted  
42 systems, including system type being repaired, or repair system type.

43 **SECTION 4.47.(d)** Additional Rulemaking Authority. – The Commission shall  
44 adopt a rule to amend the Local Health Department Responsibilities Rule consistent with  
45 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the  
46 Commission pursuant to this section shall be substantively identical to the provisions of  
47 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of  
48 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall  
49 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections  
50 had been received as provided in G.S. 150B-21.3(b2).



1           **SECTION 4.47.(e)** Sunset. – This section expires when permanent rules adopted as  
2 required by subsection (d) of this section become effective.

3  
4 **CLARIFY THE APPLICABILITY OF STATUTORY BUILT-UPON AREA**  
5 **REQUIREMENTS FOR STATE AND LOCAL GOVERNMENT STORMWATER**  
6 **PROGRAMS AND SPECIFY THAT CERTAIN ARTIFICIAL TURF IS NOT BUILT-**  
7 **UPON AREA**

8           **SECTION 4.48.(a)** G.S. 143-214.7(b2) reads as rewritten:

9           "~~(b2) For purposes of implementing stormwater programs, "built upon area" means~~  
10 ~~impervious surface and partially impervious surface to the extent that the partially impervious~~  
11 ~~surface does not allow water to infiltrate through the surface and into the subsoil. "Built upon~~  
12 ~~area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57~~  
13 ~~stone, as designated by the American Society for Testing and Materials, laid at least four inches~~  
14 ~~thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved~~  
15 ~~as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters~~  
16 ~~per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel,~~  
17 ~~mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on~~  
18 ~~portions of driveways and parking areas that will not be compacted by the weight of a vehicle,~~  
19 ~~such as the area between sections of pavement that support the weight of a vehicle. The owner~~  
20 ~~or developer of a property may opt out of any of the exemptions from "built upon area" set out~~  
21 ~~in this subsection.~~ For State stormwater programs and local stormwater programs approved  
22 pursuant to subsection (d) of this section, all of the following shall apply:

- 23           (1) The volume, velocity, and discharge rates of water associated with the  
24 one-year, 24-hour storm and the difference in stormwater runoff from the  
25 predevelopment and postdevelopment conditions for the one-year, 24-hour  
26 storm shall be calculated using any acceptable engineering hydrologic and  
27 hydraulic methods.
- 28           (2) Development may occur within the area that would otherwise be required to  
29 be placed within a vegetative buffer required by the Commission pursuant to  
30 G.S. 143-214.1 and this section provided the stormwater runoff from the  
31 entire impervious area of the development is collected, treated, and discharged  
32 so that it passes through a segment of the vegetative buffer and is managed so  
33 that it otherwise complies with all applicable State and federal stormwater  
34 management requirements. For the purpose of this subdivision, the entire  
35 impervious area of the development shall not include any portion of a project  
36 that is within a North Carolina Department of Transportation or municipal  
37 right-of-way.
- 38           (3) The requirements that apply to development activities within one-half mile of  
39 and draining to Class SA waters or within one-half mile of Class SA waters  
40 and draining to unnamed freshwater tributaries shall not apply to development  
41 activities and associated stormwater discharges that do not occur within  
42 one-half mile of and draining to Class SA waters or are not within one-half  
43 mile of Class SA waters and draining to unnamed freshwater tributaries."

44           **SECTION 4.48.(b)** Article 21 of Chapter 143 of the General Statutes is amended by  
45 adding a new section to read:

46 **"§ 143-214.7D. Limitations on built-upon area requirements.**

47           (a) As used in this section, the term "built-upon area" means impervious surface and  
48 partially impervious surface to the extent that the partially impervious surface does not allow  
49 water to infiltrate through the surface and into the subsoil.

1        (b) For the purposes of implementing State or local government stormwater programs,  
 2 none of the following surfaces shall be considered "built-upon area" or an impervious or partially  
 3 impervious surface:

4            (1) A slatted deck.

5            (2) The water area of a swimming pool.

6            (3) A surface of number 57 stone, as designated by the American Society for  
 7 Testing and Materials, laid at least four inches thick over a geotextile fabric.

8            (4) A trail as defined in G.S. 113A-85 that is either unpaved or paved as long as  
 9 the pavement is porous with a hydraulic conductivity greater than 0.001  
 10 centimeters per second (1.41 inches per hour).

11           (5) Landscaping material, including, but not limited to, gravel, mulch, sand, and  
 12 vegetation, placed on areas that receive pedestrian or bicycle traffic or on  
 13 portions of driveways and parking areas that will not be compacted by the  
 14 weight of a vehicle, such as the area between sections of pavement that support  
 15 the weight of a vehicle.

16           (6) Artificial turf, installed over a pervious surface according to the  
 17 manufacturer's specifications.

18        (c) The owner or developer of a property may opt out of any of the exemptions from  
 19 "built-upon area" set out in subsection (b) of this section.

20        (d) Except as specifically required by federal law, a local government may not enact,  
 21 implement, or enforce a local government ordinance, comprehensive plan, or stormwater  
 22 program that establishes a definition of "built-upon area" or impervious surface that does not  
 23 comply with subsection (b) of this section. This limitation shall apply regardless of any authority  
 24 granted by G.S. 143-214.5, G.S. 143-214.7, or Chapters 153A, 160A, or 160D of the General  
 25 Statutes.

26        (e) The Commission may adopt rules to implement this section."

27        **SECTION 4.48.(c)** Each unit of local government that operates a stormwater  
 28 program shall update its program to be consistent with G.S. 143-214.7D, as enacted by subsection  
 29 (b) of this section.

30        **SECTION 4.48.(d)** This section is effective when it becomes law.

## 31 **PART V. REORGANIZE BUILDING CODE COUNCIL**

32        **SECTION 5.1.(a)** G.S. 143-136(a) reads as rewritten:

33        **"§ 143-136. Building Code Council created; membership, committees.**

34        ~~(a) Creation; Membership; Terms; Creation.~~ – There is hereby created a Building Code  
 35 Council, which shall be composed of ~~17~~13 members appointed ~~by the Governor, consisting of~~  
 36 ~~the following:~~ as follows:

37            ~~(1) Two licensed architects.~~

38            ~~(2) One licensed general contractor.~~

39            ~~(3) One licensed general contractor specializing in residential construction.~~

40            ~~(4) One licensed general contractor specializing in coastal residential~~  
 41 ~~construction.~~

42            ~~(5) One licensed engineer practicing structural engineering.~~

43            ~~(6) One licensed engineer practicing mechanical engineering.~~

44            ~~(7) One licensed engineer practicing electrical engineering.~~

45            ~~(8) One licensed plumbing and heating contractor.~~

46            ~~(9) One municipal or county building inspector.~~

47            ~~(10) One licensed liquid petroleum gas dealer/contractor involved in the design of~~  
 48 ~~natural and liquid petroleum gas systems who has expertise and experience in~~  
 49 ~~natural and liquid petroleum gas piping, venting and appliances.~~

- 1           ~~(11) One representative of the public who is not a member of the building~~  
2           ~~construction industry.~~
- 3           ~~(12) One licensed electrical contractor.~~
- 4           ~~(13) One licensed engineer on the engineering staff of a State agency charged with~~  
5           ~~approval of plans of State owned buildings.~~
- 6           ~~(14) One municipal elected official or city manager.~~
- 7           ~~(15) One county commissioner or county manager.~~
- 8           ~~(16) One active member of the North Carolina fire service with expertise in fire~~  
9           ~~safety, as recommended by the North Carolina State Firefighters' Association.~~
- 10          (1) One member appointed by the General Assembly upon the recommendation  
11          of the Speaker of the House of Representatives who shall hold an unlimited  
12          general contractor license under Chapter 87 of the General Statutes and  
13          specializes in multifamily construction.
- 14          (2) One member appointed by the General Assembly upon the recommendation  
15          of the President Pro Tempore of the Senate who shall hold a license as a  
16          professional engineer under Chapter 89C of the General Statutes and  
17          specializes in structural engineering.
- 18          (3) One member appointed by the General Assembly upon the recommendation  
19          of the Speaker of the House of Representatives who shall hold an unlimited  
20          general contractor license under Chapter 87 of the General Statutes and  
21          specializes in commercial construction.
- 22          (4) One member appointed by the General Assembly upon the recommendation  
23          of the President Pro Tempore of the Senate who shall hold a license as a  
24          professional engineer under Chapter 89C of the General Statutes and  
25          specializes in electrical engineering.
- 26          (5) One member appointed by the General Assembly upon the recommendation  
27          of the Speaker of the House of Representatives who shall hold a license as an  
28          attorney-at-law under Chapter 84 of the General Statutes and specializes in  
29          construction law.
- 30          (6) One member appointed by the General Assembly upon the recommendation  
31          of the President Pro Tempore of the Senate who shall hold an unlimited  
32          electrical contractor license under Chapter 87 of the General Statutes.
- 33          (7) One member appointed by the Governor subject to confirmation in accordance  
34          with Section 5(8) of Article III of the North Carolina Constitution, who shall  
35          hold a general contractor license under Chapter 87 of the General Statutes and  
36          specializes in the construction of buildings greater than 75 feet in height.
- 37          (8) One member appointed by the Governor subject to confirmation in accordance  
38          with Section 5(8) of Article III of the North Carolina Constitution, who shall  
39          hold a license as a professional engineer under Chapter 89C of the General  
40          Statutes and specializes in mechanical engineering.
- 41          (9) One member appointed by the Governor subject to confirmation in accordance  
42          with Section 5(8) of Article III of the North Carolina Constitution, who shall  
43          hold an unlimited plumbing and heating contractor license under Chapter 87  
44          of the General Statutes and specializes in plumbing contracting.
- 45          (10) One member appointed by the Governor subject to confirmation in accordance  
46          with Section 5(8) of Article III of the North Carolina Constitution, who shall  
47          hold an unlimited plumbing and heating contractor license under Chapter 87  
48          of the General Statutes and specializes in mechanical contracting.
- 49          (11) One member appointed by the Governor subject to confirmation in accordance  
50          with Section 5(8) of Article III of the North Carolina Constitution, who shall

1 be a Level III Code-enforcement official employed by a municipality or  
2 county.

3 (12) One member appointed by the Governor subject to confirmation in accordance  
4 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
5 be a representative of North Carolina Office of the State Fire Marshal.

6 (13) One member appointed by the Governor subject to confirmation in accordance  
7 with Section 5(8) of Article III of the North Carolina Constitution, as a  
8 representative of the fuel-gas industry.

9 (a1) Terms; Vacancies; Chair. - Of the members initially appointed by the General  
10 Assembly upon the recommendation of the Speaker of the House of Representatives, one shall  
11 serve for a term of two years, one shall serve for a term of four years, and one shall serve for a  
12 term of six years. Of the members initially appointed by the General Assembly upon the  
13 recommendation of the President Pro Tempore of the Senate, one shall serve for a term of two  
14 years, one shall serve for a term of four years, and one shall serve for a term of six years. In  
15 selecting the municipal and county members, preference should be given to members who qualify  
16 as either a licensed architect, licensed engineer, or licensed general contractor. Of the members  
17 initially appointed by the Governor, three shall serve for terms of two years each, ~~three~~ two shall  
18 serve for terms of four years each, and ~~three~~ two shall serve for terms of six years each.  
19 Thereafter, all appointments shall be for terms of six years. Appointments by the General  
20 Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments  
21 shall be filled in accordance with G.S. 120-122. Vacancies in appointments made by the  
22 Governor shall be filled by the Governor subject to confirmation in accordance with Section 5(8)  
23 of Article III of the North Carolina Constitution. The Governor shall designate one member of  
24 the Council as chair. ~~The Governor may remove appointive members at any time. Neither the~~  
25 ~~architect nor any~~ None of the above named engineers shall be engaged in the manufacture,  
26 promotion or sale of any building material, and any member who shall, during ~~his~~ their term,  
27 cease to meet the qualifications for original appointment (through ceasing to be a practicing  
28 member of the profession indicated or otherwise) shall thereby forfeit ~~his~~ their membership on  
29 the Council. In making new appointments or filling vacancies, the Governor shall ensure that  
30 minorities and women are represented on the Council.

31 ~~The Governor may make appointments to fill the unexpired portions of any terms vacated by~~  
32 ~~reason of death, resignation, or removal from office. In making such appointment, he shall~~  
33 ~~preserve the composition of the Council required above.~~

34 (a2) Process for Appointments by the Governor. - The Governor shall transmit to the  
35 presiding officers of the Senate and the House of Representatives, within four weeks of the  
36 convening of the session of the General Assembly in the year for which the terms in question are  
37 initially appointed or are to expire, the names of the persons to be appointed by the Governor and  
38 submitted to the General Assembly for confirmation by joint resolution. If an appointment is  
39 required pursuant to this subsection when the General Assembly is not in session, the member  
40 may be appointed and serve on an interim basis pending confirmation by the General Assembly.  
41 For the purpose of this subsection, the General Assembly is not in session only (i) prior to  
42 convening of the regular session, (ii) during any adjournment of the regular session for more than  
43 10 days, or (iii) after sine die adjournment of the regular session.

44 (b) Compensation. - Members of the Building Code Council other than any who are  
45 employees of the State shall receive seven dollars (\$7.00) per day, including necessary time spent  
46 in traveling to and from their place of residence within the State to any place of meeting or while  
47 traveling on official business of the Council. In addition, all members shall receive mileage and  
48 subsistence according to State practice while going to and from any place of meeting, or when  
49 on official business of the Council.

50 (c) Repealed by Session Laws 2023-108, s. 1(b), effective January 1, 2025.

1 (d) ~~Building Code Committee Created; Duties. – Within the Building Code Council, there~~  
2 ~~is hereby created a Building Code Committee for all structures except those subject to the North~~  
3 ~~Carolina Residential Building Code. The committee shall be composed of the following nine~~  
4 ~~members of the Building Code Council:~~

5 (1) ~~One of the licensed architects appointed by the chairman of the Building Code~~  
6 ~~Council.~~

7 (2) ~~The licensed engineer practicing mechanical engineering.~~

8 (3) ~~The licensed engineer practicing electrical engineering.~~

9 (4) ~~The licensed engineer practicing structural engineering.~~

10 (5) ~~The municipal elected official.~~

11 (6) ~~The fire service representative.~~

12 (7) ~~The municipal or county building inspector.~~

13 (8) ~~The State agency engineer.~~

14 (9) ~~The licensed general contractor.~~

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

36 **SECTION 5.1.(b)** In order to establish overlapping terms, initial appointments  
37 pursuant to G.S. 143-136(a) as amended by subsection (a) of this section shall be made effective  
38 January 1, 2025, or as soon as feasible thereafter, and expire as follows:

39 (1) The initial appointments made by the Governor:

40 a. Pursuant to G.S. 143-136(a)(7) shall expire January 1, 2027.

41 b. Pursuant to G.S. 143-136(a)(8) shall expire January 1, 2027.

42 c. Pursuant to G.S. 143-136(a)(9) shall expire January 1, 2027.

43 d. Pursuant to G.S. 143-136(a)(10) shall expire January 1, 2029.

44 e. Pursuant to G.S. 143-136(a)(11) shall expire January 1, 2029.

45 f. Pursuant to G.S. 143-136(a)(12) shall expire January 1, 2031.

46 g. Pursuant to G.S. 143-136(a)(13) shall expire January 1, 2031.

47 (2) The initial appointments made by the General Assembly upon  
48 recommendation of the Speaker of the House of Representatives:

49 a. Pursuant to G.S. 143-136(a)(1) shall expire January 1, 2027.

50 b. Pursuant to G.S. 143-136(a)(3) shall expire January 1, 2029.

51 c. Pursuant to G.S. 143-136(a)(5) shall expire January 1, 2031.

- (3) The initial appointments made by the General Assembly upon recommendation of the President Pro Tempore of the Senate:
- a. Pursuant to G.S. 143-136(a)(2) shall expire January 1, 2027.
  - b. Pursuant to G.S. 143-136(a)(4) shall expire January 1, 2029.
  - c. Pursuant to G.S. 143-136(a)(6) shall expire January 1, 2031.

**SECTION 5.1.(c)** G.S. 143-137 reads as rewritten:

**"§ 143-137. Organization of Building Code Council; rules; meetings; staff; fiscal affairs.**

(a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the Building Code Council shall meet on call of the State Fire Marshal. ~~The Council shall elect from its appointive members a chairman and such other officers as it may choose, for such terms as it may designate in its rules.~~ The Council shall adopt such rules ~~not inconsistent herewith~~ as it may deem necessary for the proper discharge of its duties. The ~~chairman~~ chair may establish and appoint members to ~~such~~ committees as the work of the Council may require. In addition, the ~~chairman~~ chair shall may establish and appoint ad hoc code revision committees to consider and prepare revisions and amendments to the Code ~~volumes.~~ volumes, as specified in G.S. 143-138(a). Each ad hoc committee shall consist of members of the Council, licensed contractors, and design professionals most affected by the Code volume for which the ad hoc committee is responsible, and members of the public. ~~The subcommittees~~ Ad hoc committees shall meet upon the call of their respective chairs and shall report their recommendations to the Council.

(b) Meetings. – The Council shall meet regularly, at least once every six months, at places and dates to be determined by the Council. Special meetings may be called by the ~~chairman~~ chair ~~on his own initiative~~ and must be called by ~~him~~ the chair at the request of two or more members of the Council. All members shall be notified by the ~~chairman~~ chair in writing of the time and place of regular and special meetings at least seven days in advance of such meeting. ~~Seven members shall constitute a quorum.~~ All meetings shall be open to the public.

(c) Staff. – Personnel of the Division of Engineering of the Department of Insurance shall serve as a staff for the ~~Council.~~ Council, and have the following duties ~~of duties~~:

- (1) Keeping an accurate and complete record of all meetings, hearings, correspondence, laboratory studies, and technical work performed by or for the Council, and making these records available for public inspection at all reasonable ~~times;~~ times.
- (2) Handling correspondence for the Council.

(d) Fiscal Affairs of the Council. – All funds for the operations of the Council and its staff shall be appropriated to the Department of Insurance for the use of the Council. All such funds shall be held in a separate or special account on the books of the Department of Insurance, with a separate financial designation or code number to be assigned by the Department of Insurance or its agent. Expenditures for staff salaries and operating expenses shall be made in the same manner as the expenditure of any other Department of Insurance funds. The Office of the State Fire Marshal may hire such additional personnel as may be necessary to handle the work of the Building Code Council, within the limits of funds appropriated to the Department of Insurance for the Council and with the approval of the Council.

(e) Quorum; Voting; No Proxy Vote. – Nine members shall constitute a quorum for the transaction of business and an affirmative vote of nine members present shall be necessary to approve any action of the Building Code Council, including any amendment or revision to Code volumes, as specified in G.S. 143-138(a). No member may vote by proxy."

**SECTION 5.1.(d)** This section becomes effective January 1, 2025.

**MISCELLANEOUS CHANGES TO IMPLEMENT BUILDING CODE COUNCIL AND RESIDENTIAL CODE COUNCIL REORGANIZATION**

**SECTION 5.2.(a)** G.S. 143-136.1 reads as rewritten:

**"§ 143-136.1. Residential Code Council created; membership.**

- 1 (a) Creation; Membership. – There is hereby created a Residential Code Council, which  
2 consists of 13 members appointed as follows:
- 3 (1) One member appointed by the General Assembly upon the recommendation  
4 of the Speaker of the House of Representatives who shall hold an unlimited  
5 general contractor license under Chapter 87 of the General Statutes and  
6 specializes in residential construction.
  - 7 (2) One member appointed by the General Assembly upon the recommendation  
8 of the President Pro Tempore of the Senate who shall hold an unlimited or  
9 intermediate general contractor license under Chapter 87 of the General  
10 Statutes and specializes in residential construction.
  - 11 (3) One member appointed by the General Assembly upon the recommendation  
12 of the Speaker of the House of Representatives who shall hold a plumbing  
13 contractor license under Chapter 87 of the General Statutes and specializes in  
14 residential construction.
  - 15 (4) One member appointed by the General Assembly upon the recommendation  
16 of the President Pro Tempore of the Senate who shall hold a heating contractor  
17 license under Chapter 87 of the General Statutes and specializes in residential  
18 construction.
  - 19 (5) One member appointed by the General Assembly upon the recommendation  
20 of the Speaker of the House of Representatives who shall hold an unlimited,  
21 intermediate, or limited general contractor license under Chapter 87 of the  
22 General Statutes and specializes in coastal construction.
  - 23 (6) One member appointed by the General Assembly upon the recommendation  
24 of the President Pro Tempore of the Senate who shall hold an unlimited,  
25 intermediate, or limited general contractor license under Chapter 87 of the  
26 General Statutes and specializes in residential construction.
  - 27 (7) One member appointed by the Governor subject to confirmation in accordance  
28 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
29 hold an electrical contractor license under Chapter 87 of the General Statutes.
  - 30 (8) One member appointed by the Governor subject to confirmation in accordance  
31 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
32 be a licensed professional engineer under Chapter 89C of the General Statutes  
33 and specializes in residential construction.
  - 34 (9) One member appointed by the Governor subject to confirmation in accordance  
35 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
36 be a Level I or Level II Code-enforcement official employed by a municipality  
37 or county.
  - 38 (10) One member appointed by the Governor subject to confirmation in accordance  
39 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
40 be a member of the public-at-large.
  - 41 (11) One member appointed by the Governor subject to confirmation in accordance  
42 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
43 be a representative of the natural gas industry.
  - 44 (12) One member appointed by the Governor subject to confirmation in accordance  
45 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
46 be a fire service representative.
  - 47 (13) One member appointed by the Governor subject to confirmation in accordance  
48 with Section 5(8) of Article III of the North Carolina Constitution, who shall  
49 hold a general contractor license under Chapter 87 of the General Statutes and  
50 specializes in residential foundations or concrete placement.

1 (b) Terms; Vacancies; Chair. – Of the members initially appointed by the General  
2 Assembly upon the recommendation of the Speaker of the House of Representatives, one shall  
3 serve for a term of two years, one shall serve for a term of four years, and one shall serve for a  
4 term of six years. Of the members initially appointed by the General Assembly upon the  
5 recommendation of the President Pro Tempore of the Senate, one shall serve for a term of two  
6 years, one shall serve for a term of four years, and one shall serve for a term of six years. Of the  
7 members initially appointed by the Governor, two shall serve for a term of two years, two shall  
8 serve for a term of four years, and three shall serve for a term of six years. Thereafter, all  
9 appointments shall be for terms of six years. Appointments by the General Assembly shall be  
10 made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in  
11 accordance with G.S. 120-122. Vacancies in appointments made by the Governor shall be filled  
12 by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the  
13 North Carolina Constitution. The Governor shall designate one member of the Council as chair.

14 (b1) Process for Appointments by the Governor. – The Governor shall transmit to the  
15 presiding officers of the Senate and the House of Representatives, within four weeks of the  
16 convening of the session of the General Assembly in the year for which the terms in question are  
17 initially appointed or are to expire, the names of the persons to be appointed by the Governor and  
18 submitted to the General Assembly for confirmation by joint resolution. If an appointment is  
19 required pursuant to this subsection when the General Assembly is not in session, the member  
20 may be appointed and serve on an interim basis pending confirmation by the General Assembly.  
21 For the purpose of this subsection, the General Assembly is not in session only (i) prior to  
22 convening of the regular session, (ii) during any adjournment of the regular session for more than  
23 10 days, or (iii) after sine die adjournment of the regular session.

24 (c) Compensation. – Members of the Residential Code Council, other than any who are  
25 employees of the State, shall receive seven dollars (\$7.00) per day, including necessary time  
26 spent in traveling to and from their place of residence within the State to any place of meeting or  
27 while traveling on official business of the Council. In addition, all members shall receive mileage  
28 and subsistence according to State practice while going to and from any place of meeting, or  
29 when on official business of the Council.

30 (d) Duties. – The Residential Code Council shall review and consider any proposal for  
31 revision or amendment to the North Carolina Residential Code, ~~including applicable provisions~~  
32 ~~from the North Carolina Energy Conservation Code, North Carolina Electrical Code, North~~  
33 ~~Carolina Fuel Gas Code, North Carolina Plumbing Code, North Carolina Mechanical Code,~~  
34 ~~North Carolina Existing Building Code,~~ and any other code applicable to residential ~~construction~~  
35 construction as set forth in G.S. 143-138(a). The Council shall oversee revision of the North  
36 Carolina Residential Code and codes applicable to dwellings subject to the North Carolina  
37 Residential Code pursuant to G.S. 143-138(d). ~~This~~ The Council shall also consider any appeal  
38 or interpretation arising under G.S. 143-141 pertaining to the North Carolina Residential Code  
39 volumes, as specified in G.S. 143-138(a), and make disposition of the appeal or issue an  
40 interpretation."

41 **SECTION 5.2.(b)** G.S. 143-137.1 reads as rewritten:

42 **"§ 143-137.1. Organization of Residential Code Council; rules; meetings; staff; fiscal**  
43 **affairs; quorum.**

44 (a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the  
45 Residential Code Council shall meet on call of the State Fire Marshal. The Council shall adopt  
46 rules it may deem necessary for the proper discharge of its duties. The chair may establish and  
47 appoint members to any committees the work of the Council may require. In addition, the chair  
48 may establish and appoint ~~an ad hoc code revision committee~~ committees to consider and prepare  
49 revisions and amendments to the North Carolina Residential Code. ~~The~~ Each ad hoc committee  
50 shall consist of members of the Council, licensed contractors, and design professionals most  
51 affected by the North Carolina Residential Code, and members of the public. Committees shall



1 meet upon the call of their respective chairs and shall report their recommendations to the  
2 Council.

3 (b) Meetings. – The Residential Code Council shall meet regularly, at least once every  
4 six months, at places and dates to be determined by the Council. Special meetings may be called  
5 by the chair and must be called by the chair at the request of two or more members of the Council.  
6 All members shall be notified by the chair in writing of the time and place of regular and special  
7 meetings at least seven days in advance of such meeting. All meetings shall be open to the public.

8 (c) Staff. – Personnel of the Division of Engineering of the Department of Insurance shall  
9 serve as a staff for the Residential Code Council. ~~This staff shall~~ Council, and have the following  
10 duties:

11 (1) Keeping an accurate and complete record of all meetings, hearings,  
12 correspondence, laboratory studies, and technical work performed by or for  
13 the Council, and making these records available for public inspection at all  
14 reasonable times.

15 (2) Handling correspondence for the Council.

16 (d) Fiscal Affairs of the Council. – All funds for the operations of the Residential Code  
17 Council and its staff shall be appropriated to the Department of Insurance for the use of the  
18 Council. These funds shall be held in a separate or special account on the books of the Department  
19 of Insurance, with a separate financial designation or code number to be assigned by the  
20 Department of Insurance or its agent. Expenditures for staff salaries and operating expenses shall  
21 be made in the same manner as the expenditure of any other Department of Insurance funds. The  
22 Department of Insurance may hire any additional personnel necessary to handle the work of the  
23 Council, within the limits of funds appropriated for the Council and with the approval of the  
24 Council.

25 (e) Quorum; Voting; No Proxy Vote. – Nine members shall constitute a quorum for the  
26 transaction of business and an affirmative vote of nine members present shall be necessary to  
27 approve any action of the Council, including any amendment or revision to ~~the North Carolina~~  
28 ~~Residential Code. Code volumes, as specified in G.S. 143-138(a). No member may vote by~~  
29 ~~proxy."~~

30 **SECTION 5.2.(c)** G.S. 143-138 reads as rewritten:

31 **"§ 143-138. North Carolina State Building Code.**

32 "(a) Preparation and Adoption. – The Building Code Council and Residential Code  
33 Council may prepare and adopt, in accordance with the provisions of this Article, a North  
34 Carolina State Building Code. The Building Code Council shall oversee codes applicable to  
35 commercial or multi-family construction and contained in Code volumes, as specified in  
36 subdivisions (1) through (9) of this subsection, that apply to commercial and multi-family  
37 construction. The Residential Code Council shall oversee codes applicable to residential  
38 construction and contained in Code volumes, as specified in subdivisions (1) through (10) of this  
39 subsection, that apply to residential construction. Before the adoption of any volume of the Code,  
40 or any part of the Code, the responsible Council shall hold at least one public hearing. A notice  
41 of the public hearing shall be published in the North Carolina Register at least 15 days before the  
42 date of the hearing. Notwithstanding G.S. 150B-2(8a)h., any volume, or any part, of the North  
43 Carolina State Building Code as adopted by the Building Code Council or Residential Code  
44 Council is a rule within the meaning of G.S. 150B-2(8a) and shall be adopted in accordance with  
45 the procedural requirements of Article 2A of Chapter 150B of the General Statutes. For the  
46 purposes of this Article, "North Carolina State Building Code" or "Code" shall collectively refer  
47 to all Code volumes, as revised or amended, prepared and adopted by the Building Code Council  
48 or Residential Code Council pursuant to this ~~Article, including~~ Article. The North Carolina State  
49 Building Code shall consist of the following Code volumes:

50 (1) North Carolina Administrative Code and Policies.

51 (2) North Carolina Building Code.

- 1 (3) North Carolina Electrical Code.
- 2 (4) North Carolina Energy Conservation Code.
- 3 (5) North Carolina Existing Building Code.
- 4 (6) North Carolina Fire Code.
- 5 (7) North Carolina Fuel Gas Code.
- 6 (8) North Carolina Mechanical Code.
- 7 (9) North Carolina Plumbing Code.
- 8 (10) North Carolina Residential Code.

9 ...

10 (d) Amendments of the Code. – The Building Code Council and Residential Code  
 11 Council may periodically revise and amend those parts of the North Carolina State Building Code  
 12 for which those Councils are responsible, either on their own motion or upon application from  
 13 any citizen, State agency, or political subdivision of the State. In addition to the periodic revisions  
 14 or amendments made by the responsible Council, the Residential Code Council shall perform a  
 15 comprehensive review and revise or amend the North Carolina Residential Code, ~~including~~  
 16 ~~provisions applicable to dwellings covered by the North Carolina Residential Code, from the~~  
 17 ~~North Carolina Energy Conservation Code, North Carolina Electrical Code, North Carolina Fuel~~  
 18 ~~Gas Code, North Carolina Plumbing Code, and North Carolina Mechanical Code~~ only every six  
 19 years, to become effective the first day of January of the following year, with at least six months  
 20 between adoption and effective date. The first six-year revision by the Residential Council under  
 21 this subsection shall be adopted to become effective January 1, 2031, and every six years  
 22 thereafter. After its appointment pursuant to G.S. 143-136.1, the Residential Code Council shall  
 23 review the North Carolina Energy Conservation Code, the North Carolina Fuel Gas Code, and  
 24 the North Carolina Mechanical Code as applicable to residential construction and may amend  
 25 those codes and any the-relevant chapters of the North Carolina Residential Code, affected by  
 26 that review, by January 1, 2026. Following the adoption of amendments to the North Carolina  
 27 Residential Code affected by that review, the North Carolina Residential Code shall also be  
 28 subject to the first six-year revision under this subsection. In adopting any amendment, the  
 29 Building Code Council and Residential Code Council shall comply with the same procedural  
 30 requirements and the same standards for adoption of the Code. The Building Code Council and  
 31 Residential Code Council, through the Office of the State Fire Marshal, shall publish in the North  
 32 Carolina Register all appeal decisions made by the responsible Code Council and all formal  
 33 opinions at least semiannually. The Building Code Council and Residential Code Council,  
 34 through the Office of the State Fire Marshal, shall also publish at least semiannually in the North  
 35 Carolina Register a statement providing the accurate website address and information on how to  
 36 find additional commentary and interpretation of the Code.

37 ...."

38 **SECTION 5.2.(d)** In performing its review of the North Carolina State Building  
 39 Code to amend relevant chapters of the North Carolina Residential Code after its appointment  
 40 pursuant to G.S. 143-136.1, as required by G.S. 143-138(d), the Residential Code Council shall  
 41 include relevant provisions from the North Carolina Administrative Code and Policies volume,  
 42 as appropriate and modified by the Residential Code Council, in its amendment to the Residential  
 43 Code.

44 **SECTION 5.2.(e)** G.S. 143-139 reads as rewritten:  
 45 **"§ 143-139. Enforcement of Building Code.**

46 ...

47 (b1) Remedies. – In case any building or structure is maintained, erected, constructed, or  
 48 reconstructed or its purpose altered, so that it becomes in violation of this Article or of the North  
 49 Carolina State Building Code, either the local enforcement officer or the State Fire Marshal or  
 50 other State official with responsibility under this section may, in addition to other remedies,  
 51 institute any appropriate action or proceeding to: (i) prevent the unlawful maintenance, erection,

1 construction, or reconstruction or alteration of purpose, or overcrowding, (ii) restrain, correct, or  
 2 abate the violation, or (iii) prevent the occupancy or use of the building, structure, or land until  
 3 the violation is corrected. In addition to the civil remedies set out in G.S. 160A-175 and  
 4 G.S. 153A-123, a county, city, or other political subdivision authorized to enforce the North  
 5 Carolina State Building Code within its jurisdiction may, for the purposes stated in (i) through  
 6 (iii) of this subsection, levy a civil penalty for violation of the ~~fire prevention code~~ North Carolina  
 7 Fire Code of the North Carolina State Building Code, which penalty may be recovered in a civil  
 8 action in the nature of debt if the offender does not pay the penalty within a prescribed period of  
 9 time after the offender has been cited for the violation. If the State Fire Marshal or other State  
 10 official institutes an action or proceeding under this section, a county, city, or other political  
 11 subdivision may not institute a civil action under this section based upon the same violation.  
 12 Appeals from the imposition of any remedy set forth herein, including the imposition of a civil  
 13 penalty by a county, city, or other political subdivision, shall be as provided in G.S. 160D-1127.

14 ...."

15 **SECTION 5.2.(f)** G.S. 143-140 reads as rewritten:

16 **"§ 143-140. Hearings before enforcement agencies as to questions under the North**  
 17 **Carolina State Building Code.**

18 (a) Any person desiring to raise any question under this Article or under the North  
 19 Carolina State Building Code shall be entitled to a technical interpretation from the appropriate  
 20 enforcement agency, as designated in ~~the preceding section.~~ G.S. 143-139. Upon request in  
 21 writing by any such person, the enforcement agency through an appropriate official shall within  
 22 a reasonable time provide a written interpretation, setting forth the facts found, the decision  
 23 reached, and the reasons therefor. In the event of dissatisfaction with such decision, the person  
 24 affected shall have the options of:

25 (1) Appealing to the ~~Building Code Council or the Residential Code~~  
 26 Council-responsible Code Council for the subject matter or code provision in  
 27 question.

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

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

32 **SECTION 5.2.(g)** G.S. 87-10 reads as rewritten:

33 **"§ 87-10. Application for license; examination; certificate; renewal.**

34 ...

35 (b) An applicant shall identify an individual who has successfully passed an examination  
 36 approved by the Board who, for purposes of this section, shall be known as the "qualifier" or the  
 37 "qualifying party" of the applicant. If the qualifier or the qualifying party seeks to take an  
 38 examination, the examination shall establish (i) the ability of the applicant to make a practical  
 39 application of the applicant's knowledge of the profession of contracting; (ii) the qualifications  
 40 of the applicant in reading plans and specifications, knowledge of relevant matters contained in  
 41 the North Carolina State Building Code, knowledge of estimating costs, construction, ethics, and  
 42 other similar matters pertaining to the contracting business; (iii) the knowledge of the applicant  
 43 as to the responsibilities of a contractor to the public and of the requirements of the laws of the  
 44 State of North Carolina relating to contractors, construction, and liens; and (iv) the applicant's  
 45 knowledge of requirements of the Sedimentation Pollution Control Act of 1973, Article 4 of  
 46 Chapter 113A of the General Statutes, and the rules adopted pursuant to that Article. If the  
 47 qualifier or qualifying party passes the examination, upon review of the application and all  
 48 relevant information, the Board shall issue a license to the applicant to engage in general  
 49 contracting in the State of North Carolina, which may be limited as follows:

50 (1) Building contractor, which shall include private, public, commercial,  
 51 industrial and residential buildings of all types.

- 1 (1a) Residential contractor, which shall include any general contractor
- 2 constructing only residences which are required to conform to the ~~residential~~
- 3 ~~building code~~ North Carolina Residential Code adopted by the ~~Building~~
- 4 Residential Code Council pursuant to G.S. 143-138.
- 5 (2) Highway contractor.
- 6 (3) Public utilities contractors, which shall include those whose operations are the
- 7 performance of construction work on the following subclassifications of
- 8 facilities:
- 9 a. Water and sewer mains, water service lines, and house and building
- 10 sewer lines as defined in the North Carolina State Building Code, and
- 11 water storage tanks, lift stations, pumping stations, and appurtenances
- 12 to water storage tanks, lift stations, and pumping stations.
- 13 b. Water and wastewater treatment facilities and appurtenances thereto.
- 14 c. Electrical power transmission facilities, and primary and secondary
- 15 distribution facilities ahead of the point of delivery of electric service
- 16 to the customer.
- 17 d. Public communication distribution facilities.
- 18 e. Natural gas and other petroleum products distribution facilities;
- 19 provided the General Contractors Licensing Board may issue license
- 20 to a public utilities contractor limited to any of the above
- 21 subclassifications for which the general contractor qualifies.
- 22 (4) Specialty contractor, which shall include those whose operations as such are
- 23 the performance of construction work requiring special skill and involving the
- 24 use of specialized building trades or crafts, but which shall not include any
- 25 operations now or hereafter under the jurisdiction, for the issuance of license,
- 26 by any board or commission pursuant to the laws of the State of North
- 27 Carolina.

28 ...."

29 **SECTION 5.2.(h)** G.S. 130A-248 reads as rewritten:

30 **"§ 130A-248. Regulation of food and lodging establishments.**

31 ...

32 (g) All hotels, motels, tourist homes, and other establishments that provide lodging for  
 33 pay shall comply with the requirements of G.S. 143-138(b2)(2). Upon notification of a violation  
 34 of G.S. 143-138(b2)(2) by the code official responsible for enforcing the ~~NC~~ North Carolina  
 35 State Building ~~Fire~~ Code (~~Fire Prevention~~) in accordance with G.S. 143-138(b2)(4), the local  
 36 health department is authorized to suspend a permit issued pursuant to this section in accordance  
 37 with G.S. 130A-23."

38 **SECTION 5.2.(i)** G.S. 143-151.8 reads as rewritten:

39 **"§ 143-151.8. Definitions.**

- 40 (a) The following definitions apply in this Article:
- 41 (1) Board. – The North Carolina Code Officials Qualification Board.
- 42 (2) Code. – Consists of all of the following:
- 43 a. The North Carolina State Building Code adopted by the Building Code
- 44 Council and Residential Code Council under G.S. 143-138.
- 45 b. Local building rules approved by the Building Code ~~Council~~ Council
- 46 and Residential Code Council.
- 47 c. Any resolution adopted by a federally recognized Indian Tribe in
- 48 which the Tribe adopts the North Carolina State Building Code and
- 49 related local building rules.
- 50 d. The standards adopted by the State Fire Marshal under
- 51 G.S. 143-143.15(a).

- 1 (3) Code enforcement. – The examination and approval of plans and  
2 specifications, the inspection of the manner of construction, workmanship,  
3 and materials for construction of buildings and structures and their  
4 components, or the enforcement of fire code regulations by any of the  
5 following, to assure compliance with the North Carolina State Building Code  
6 and related local building rules:
- 7 a. An employee of the State or local government, except an employee of  
8 the State Department of Labor engaged in the administration and  
9 enforcement of sections of the Code that pertain to boilers and  
10 elevators.
- 11 b. An employee of a federally recognized Indian Tribe employed to  
12 perform inspections on tribal lands.
- 13 c. An individual contracting with the State, a local government, or a  
14 federally recognized Indian Tribe to perform inspections on tribal  
15 lands.
- 16 d. An individual who is employed by a company contracting with a  
17 county or a city to conduct inspections.
- 18 e. A person who is contracting with a local government to perform  
19 third-party plan review under G.S. 160D-1110.1(d).
- 20 f. A person who is contracting with a permit applicant to perform  
21 third-party plan review under G.S. 160D-1110.1(e).
- 22 (4) Local inspection department. – The agency or agencies of local government,  
23 or any government agency of a federally recognized Indian Tribe, with  
24 authority to make inspections of buildings and to enforce the Code and other  
25 laws, ordinances, and rules enacted by the State, a local government, or a  
26 federally recognized Indian Tribe.
- 27 (5) Qualified Code-enforcement official. – A person qualified under this Article  
28 to engage in the practice of Code enforcement.
- 29 (b) For purposes of this Article, the population of a city or county is determined according  
30 to the most current federal census, unless otherwise specified.
- 31 (c) For purposes of this Article, "willful misconduct, gross negligence, or gross  
32 incompetence" in addition to the meaning of those terms under other provisions of the General  
33 Statutes or at common law, includes any of the following:
- 34 (1) Enforcing a Code requirement in areas or circumstances not specified in the  
35 requirement.
- 36 (2) Refusing to accept an alternative design or construction method that has been  
37 appealed under G.S. 143-140.1 and found by the Office of the State Fire  
38 Marshal to comply with the Code under the conditions or circumstances set  
39 forth in the Office of the State Fire Marshal's decision for that appeal.
- 40 (3) Refusing to allow an alternative construction method currently included in the  
41 Building Code under the conditions or circumstances set forth in the Code for  
42 that alternative method.
- 43 (4) Enforcing a requirement that is more stringent than or otherwise exceeds the  
44 Code requirement.
- 45 (5) Refusing to implement or adhere to an interpretation of the North Carolina  
46 State Building Code issued by the Building Code ~~Council~~ Council,  
47 Residential Code Council, or the Office of the State Fire Marshal.
- 48 (6) Habitually failing to provide requested inspections in a timely manner.
- 49 (7) Enforcing a Code official's preference in the method or manner of installation of  
50 heating ventilation and air-conditioning units, appliances, or equipment if it is not required by

1 the State Building Code and is in contradiction of a manufacturer's installation instructions or  
2 specifications."

3 **SECTION 5.2.(j)** G.S. 143-151.13 reads as rewritten:

4 **"§ 143-151.13. Required standards and certificates for Code-enforcement officials.**

5 ...

6 (f) The Board shall issue a standard certificate to any person who is currently licensed to  
7 practice as a(n):

8 (1) Architect, registered pursuant to Chapter 83A;

9 (2) General contractor, licensed pursuant to Article 1 of Chapter 87;

10 (3) Plumbing or heating contractor, licensed pursuant to Article 2 of Chapter 87;

11 (4) Electrical contractor, licensed pursuant to Article 4 of Chapter 87; or,

12 (5) Professional engineer, registered pursuant to Chapter 89C;

13 provided the person successfully completes a short course, as prescribed by the Board,  
14 relating to the North Carolina State Building Code regulations and Code-enforcement  
15 administration. The standard certificate shall authorize the person to practice as a qualified  
16 Code-enforcement official in a particular type of position at the level determined by the Board,  
17 based on the type of license or registration held in any profession specified above.

18 ...."

19 **SECTION 5.2.(k)** G.S. 143-151.14 reads as rewritten:

20 **"§ 143-151.14. Comity.**

21 ...

22 (c) The certificates granted under subsections (a) and (b) of this section shall expire after  
23 three years unless within that time period the holder completes a short course, as prescribed by  
24 the Board, relating to the North Carolina State Building Code regulations and Code-enforcement  
25 administration.

26 ...."

27 **SECTION 5.2.(l)** G.S. 143-151.17 reads as rewritten:

28 **"§ 143-151.17. Grounds for disciplinary actions; investigation; administrative procedures.**

29 (a) The Board has the power to suspend, revoke, demote to a lower level, or refuse to  
30 grant a certificate issued under this Article to any person to whom any of the following applies:

31 (1) Has been convicted of a felony against this State or the United States, or  
32 convicted of a felony in another state that would also be a felony if it had been  
33 committed in this State.

34 (2) Has obtained certification through fraud, deceit, or perjury.

35 (3) Has knowingly aided or abetted any person practicing contrary to the  
36 provisions of this Article or the North Carolina State Building Code or any  
37 building codes adopted by a federally recognized Indian Tribe.

38 (4) Has defrauded the public or attempted to do so.

39 (5) Has affixed his or her signature to a report of inspection or other instrument  
40 of service if no inspection has been made by him or her or under his or her  
41 immediate and responsible direction.

42 (6) Has been guilty of willful misconduct, gross negligence, or gross  
43 incompetence.

44 ...."

45 **SECTION 5.2.(m)** G.S. 153A-123 reads as rewritten:

46 **"§ 153A-123. Enforcement of ordinances.**

47 ...

48 (c1) An ordinance may provide for the recovery of a civil penalty by the county for  
49 violation of the ~~fire prevention code~~ North Carolina Fire Code of the North Carolina State  
50 Building Code as authorized under G.S. 143-139.

51 ...."

1           **SECTION 5.2.(n)** G.S. 160A-175 reads as rewritten:

2   "**§ 160A-175. Enforcement of ordinances.**

3       ...

4       (c1) An ordinance may provide for the recovery of a civil penalty by the city for violation

5 of the ~~fire prevention code~~ North Carolina Fire Code of the North Carolina State Building Code

6 as authorized under G.S. 143-139.

7       ...."

8           **SECTION 5.2.(o)** G.S. 58-6-25 reads as rewritten:

9   "**§ 58-6-25. Insurance regulatory charge.**

10       ...

11       (d) Use of Proceeds. – The Insurance Regulatory Fund is created as an interest-bearing

12 special fund to which the proceeds of the charge levied in this section and all fees collected under

13 Articles 69 through 71 of this Chapter and under Articles 9 and 9C of Chapter 143 of the General

14 Statutes shall be credited. Moneys in the Fund may be spent only pursuant to appropriation by

15 the General Assembly, and the Fund is subject to the provisions of the State Budget Act. All

16 money credited to the Fund shall be used to reimburse the General Fund for the following:

17       ...

18       (7) Money appropriated to the Department of Insurance to pay its expenses

19 incurred in connection with providing staff support for State boards and

20 commissions, including the North Carolina Manufactured Housing Board,

21 State Fire and Rescue Commission, North Carolina Building Code Council,

22 North Carolina Residential Code Council, North Carolina Code Officials

23 Qualification Board, Public Officers and Employees Liability Insurance

24 Commission, North Carolina Home Inspector Licensure Board, and the

25 Volunteer Safety Workers' Compensation Board.

26       ...

27       ...."

28           **SECTION 5.2.(p)** G.S. 58-78A-1 reads as rewritten:

29   "**§ 58-78A-1. Office of the State Fire Marshal.**

30       ...

31       (b) The Office of the State Fire Marshal shall be responsible for all of the following:

32           (1) State Fire and Rescue Commission, Article 78 of this Chapter.

33           (2) Investigation of Fires and Inspection of Premises, Article 79 of this Chapter.

34           (3) State Volunteer Fire Department, Article 80 of this Chapter.

35           (4) Pyrotechnics Training and Permitting, Article 82A of this Chapter.

36           (5) Management of Aqueous Film-Forming Foams, Article 82B of this Chapter.

37           (6) Local Firefighters' Relief Funds, Article 84 of this Chapter.

38           (7) Statewide Firefighters' Relief Fund, Article 85 of this Chapter.

39           (8) State Fire Protection Grant Fund, Article 85A of this Chapter.

40           (9) North Carolina Firefighters' and Rescue Squad Workers' Pension Fund,

41           Article 86 of this Chapter.

42           (10) Volunteer Safety Workers Assistance, Article 87 of this Chapter.

43           (11) Rescue Squad Workers' Relief Fund, Article 88 of this Chapter.

44           (12) Building Code Council and Building Residential Code Council, Article

45           9 of Chapter 143 of the General Statutes.

46           (13) North Carolina Manufactured Housing Board-Manufactured Home

47           Warranties, [Article 9A of Chapter 143 of the General Statutes].

48           (14) Uniform Standards Code for Manufactured Homes, Article 9B of this Chapter

49           [Article 9B of Chapter 143 of the General Statutes].

50           (15) North Carolina Code Officials Qualification Board, Article 9C of this Chapter

51           [Article 9C of Chapter 143 of the General Statutes].

- 1 (16) North Carolina Home Inspector Licensure Board, Article 9F of this Chapter  
 2 [Article 9F of Chapter 143 of the General Statutes].  
 3 (17) Engineering and Building Codes Division in the Department of Insurance.  
 4 (18) Risk Management Division in the Department of Insurance.  
 5 (19) Community Risk Reduction Division in the Department of Insurance.

6 ...."

7 **SECTION 5.2.(q)** G.S. 58-78A-16 reads as rewritten:

8 **"§ 58-78A-16. State Fire Marshal to inspect State property.**

9 (a) The State Fire Marshal shall, as often as is required in the ~~fire code~~North Carolina  
 10 Fire Code adopted by the North Carolina Building Code Council or more often if the State Fire  
 11 Marshal considers it necessary, visit, inspect, and thoroughly examine every State property to  
 12 analyze and determine its protection from fire, including the property's occupants or contents.  
 13 The State Fire Marshal shall notify in writing the agency or official in charge of the property of  
 14 any defect noted by the State Fire Marshal or any improvement considered by the State Fire  
 15 Marshal to be necessary, and a copy of that notice shall be forwarded by the State Fire Marshal  
 16 to the Department of Administration.

17 (b) No agency or person authorized or directed by law to select a plan or erect a building  
 18 comprising 20,000 square feet or more for the use of any county, city, or school district shall  
 19 receive and approve of the plan until it is submitted to and approved by the State Fire Marshal as  
 20 to the safety of the proposed building from fire, including the property's occupants or contents.

21 (c) Repealed by Session Laws 2009-474, s. 1, effective October 1, 2009."

22 **SECTION 5.2.(r)** G.S. 150B-21.5 reads as rewritten:

23 **"§ 150B-21.5. Circumstances when notice and rule-making hearing not required;  
 24 circumstances when submission to the Commission not required.**

25 (a) Amendment. – An agency is not required to publish a notice of text in the North  
 26 Carolina Register, hold a public hearing, or submit the amended rule to the Commission for  
 27 review when it proposes to amend a rule to do one of the following:

- 28 (1) Reletter or renumber the rule or subparts of the rule.  
 29 (2) Substitute one name for another when an organization or position is renamed.  
 30 (3) Correct a citation in the rule to another rule or law when the citation has  
 31 become inaccurate since the rule was adopted because of the repeal or  
 32 renumbering of the cited rule or law.  
 33 (4) Change information that is readily available to the public, such as an address,  
 34 email address, a telephone number, or a Web site.  
 35 (5) Correct a typographical error.  
 36 (6) Repealed by Session Laws 2019-140, s. 1(a), effective July 19, 2019.

37 (a1) Response to Commission. – An agency is not required to publish a notice of text in  
 38 the North Carolina Register or hold a public hearing when it proposes to change the rule in  
 39 response to a request or an objection by the Commission, unless the Commission determines that  
 40 the change is substantial.

41 (b) Repeal. – An agency is not required to publish a notice of text in the North Carolina  
 42 Register or hold a public hearing when it proposes to repeal a rule as a result of any of the  
 43 following:

- 44 (1) The law under which the rule was adopted is repealed.  
 45 (2) The law under which the rule was adopted or the rule itself is declared  
 46 unconstitutional.  
 47 (3) The rule is declared to be in excess of the agency's statutory authority.

48 (c) Repealed by Session Laws 2023-134, s. 21.2(e), effective October 3, 2023 and  
 49 applicable to rules adopted on or after that date.

50 (d) North Carolina State Building Code. – ~~The Building Code Council~~is or Residential  
 51 Code Council, as applicable, is not required to publish a notice of text in the North Carolina



1 Register when it proposes to adopt a rule that concerns the North Carolina State Building Code.  
2 The Building Code Council ~~is~~ or Residential Code Council, as applicable, is required to publish  
3 a notice in the North Carolina Register when it proposes to adopt a rule that concerns the North  
4 Carolina State Building Code. The notice must include all of the following:

- 5 (1) A statement of the subject matter of the proposed rule making.
- 6 (2) A short explanation of the reason for the proposed action.
- 7 (3) A citation to the law that gives the agency the authority to adopt a rule on the  
8 subject matter of the proposed rule making.
- 9 (4) The person to whom questions or written comments may be submitted on the  
10 subject matter of the proposed rule making.

11 The Building Code Council ~~is~~ or Residential Code Council, as applicable, is required to  
12 submit to the Commission for review a rule for which notice of text is not required under this  
13 subsection. In adopting a rule, the responsible Council shall comply with the procedural  
14 requirements of G.S. 150B-21.3.

15 (e) An agency that adopts or amends a rule pursuant to subsection (a) of this section shall  
16 notify the Codifier of Rules of its actions. When notified of an agency action taken pursuant to  
17 subsection (a) of this section, the Codifier of Rules shall make the appropriate change to the  
18 North Carolina Administrative Code."

19 **SECTION 5.2.(s)** G.S. 150B-21.21 reads as rewritten:

20 **"§ 150B-21.21. Publication of rules of North Carolina State Bar, Building Code Council,  
21 Residential Code Council, and exempt agencies.**

22 (a) State Bar. – The North Carolina State Bar must submit a rule adopted or approved by  
23 it and entered in the minutes of the North Carolina Supreme Court to the Codifier of Rules for  
24 inclusion in the North Carolina Administrative Code. The State Bar must submit a rule within 30  
25 days after it is entered in the minutes of the Supreme Court. The Codifier of Rules must compile,  
26 make available for public inspection, and publish a rule included in the North Carolina  
27 Administrative Code under this subsection in the same manner as other rules in the Code.

28 (a1) Building Code Council and Residential Code Council. – The Building Code Council  
29 and Residential Code Council, as applicable, shall publish the North Carolina State Building  
30 Code as provided in G.S. 143-138(g). The Codifier of Rules is not required to publish the North  
31 Carolina State Building Code in the North Carolina Administrative Code.

32 (b) Exempt Agencies. – Notwithstanding any other provision of law, an agency that is  
33 exempted from this Article by G.S. 150B-1 or any other statute must submit a temporary or  
34 permanent rule adopted by it to the Codifier of Rules for inclusion in the North Carolina  
35 Administrative Code. These exempt agencies must submit a rule to the Codifier of Rules within  
36 30 days after adopting the rule.

37 (c) Publication. – A rule submitted to the Codifier of Rules under this section must be in  
38 the physical form specified by the Codifier of Rules. The Codifier of Rules must compile, make  
39 available for public inspection, and publish a rule submitted under this section in the same manner  
40 as other rules in the North Carolina Administrative Code."

41 **SECTION 5.2.(t)** G.S. 150B-38 reads as rewritten:

42 **"§ 150B-38. Scope; hearing required; notice; venue.**

43 (a) The provisions of this Article shall apply to:

- 44 (1) Occupational licensing agencies.
- 45 (2) The State Banking Commission, the Commissioner of Banks, and the Credit  
46 Union Division of the Department of Commerce.
- 47 (3) The Department of Insurance and the Commissioner of Insurance.
- 48 (4) The State Chief Information Officer in the administration of the provisions of  
49 Article 15 of Chapter 143B of the General Statutes.
- 50 (5) The North Carolina State Building Code ~~Council~~ Council and Residential  
51 Code Council, Article 9 of Chapter 143 of the General Statutes.

- 1 (5a) The Office of the State Fire Marshal and the State Fire Marshal.
- 2 (6) Repealed by Session Laws 2018-146, s. 4.4(b), effective December 27, 2018.
- 3 (b) Prior to any agency action in a contested case, the agency shall give the parties in the  
4 case an opportunity for a hearing without undue delay and notice not less than 15 days before the  
5 hearing. Notice to the parties shall include all of the following:
- 6 (1) A statement of the date, hour, place, and nature of the hearing.
- 7 (2) A reference to the particular sections of the statutes and rules involved.
- 8 (3) A short and plain statement of the facts alleged.
- 9 (c) Notice shall be given by one of the methods for service of process under G.S. 1A-1,  
10 Rule 4(j) or Rule 4(j3). If given by registered or certified mail, by signature confirmation as  
11 provided by the United States Postal Service, or by designated delivery service authorized  
12 pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, notice shall be deemed to have been  
13 given on the delivery date appearing on the return receipt, copy of proof of delivery provided by  
14 the United States Postal Service, or delivery receipt. If notice cannot be given by one of the  
15 methods for service of process under G.S. 1A-1, Rule 4(j) or Rule 4(j3), then notice shall be  
16 given in the manner provided in G.S. 1A-1, Rule 4(j1).
- 17 (d) A party that has been served with a notice of hearing may file a written response with  
18 the agency. If a written response is filed, a copy of the response shall be mailed to all other parties  
19 not less than 10 days before the date set for the hearing.
- 20 (e) All hearings conducted under this Article shall be open to the public. A hearing  
21 conducted by the agency shall be held in the county where the agency maintains its principal  
22 office. A hearing conducted for the agency by an administrative law judge requested under  
23 G.S. 150B-40 shall be held in a county in this State where any person whose property or rights  
24 are the subject matter of the hearing resides. If a different venue would promote the ends of  
25 justice or better serve the convenience of witnesses, the agency or the administrative law judge  
26 may designate another county. A person whose property or rights are the subject matter of the  
27 hearing waives an objection to venue by proceeding in the hearing.
- 28 (f) Any person may petition to become a party by filing with the agency or hearing officer  
29 a motion to intervene in the manner provided by G.S. 1A-1, Rule 24. In addition, any person  
30 interested in a contested case under this Article may intervene and participate to the extent  
31 deemed appropriate by the agency hearing officer.
- 32 (g) When contested cases involving a common question of law or fact or multiple  
33 proceedings involving the same or related parties are pending before an agency, the agency may  
34 order a joint hearing of any matters at issue in the cases, order the cases consolidated, or make  
35 other orders to reduce costs or delay in the proceedings.
- 36 (h) Every agency shall adopt rules governing the conduct of hearings that are consistent  
37 with the provisions of this Article.
- 38 (i) Repealed by Session Laws 2021-88, s. 16(c), effective July 22, 2021."
- 39 **SECTION 5.2.(u)** This section becomes effective January 1, 2025.
- 40

41 **PART VI. REMOVE EXTRATERRITORIAL JURISDICTION AUTHORITY WITHIN**  
42 **THE COUNTY OF MOORE**

43 **SECTION 6.1.(a)** G.S. 160D-201 reads as rewritten:

44 "**§ 160D-201. Planning and development regulation jurisdiction.**

45 (a) Cities. – All of the powers granted by this Chapter may be exercised by any city within  
46 its corporate ~~limits and within any extraterritorial area established pursuant to~~  
47 ~~G.S. 160D-202.limits.~~

48 ...."

49 **SECTION 6.1.(b)** G.S. 160D-202 reads as rewritten:

50 "**§ 160D-202. ~~Municipal extraterritorial~~ Transfer or relinquishment of jurisdiction.**

1 (a) Geographic Scope.—Any city may exercise the powers granted to cities under this  
2 Chapter within a defined area extending not more than one mile beyond its contiguous corporate  
3 limits. In addition, a city of 10,000 or more population but less than 25,000 may exercise these  
4 powers over an area extending not more than two miles beyond its limits and a city of 25,000 or  
5 more population may exercise these powers over an area extending not more than three miles  
6 beyond its limits. In determining the population of a city for the purposes of this Chapter, the city  
7 council and the board of county commissioners may use the most recent annual estimate of  
8 population as certified by the Secretary of the North Carolina Department of Administration.  
9 Pursuant to G.S. 160A-58.4, extraterritorial municipal planning and development regulation may  
10 be extended only from the primary corporate boundary of a city and not from the boundary of  
11 satellite areas of the city.

12 (b) Authority in the Extraterritorial Area.—A city may not exercise any power conferred  
13 by this Chapter in its extraterritorial jurisdiction that it is not exercising within its corporate limits.  
14 A city may exercise in its extraterritorial area all powers conferred by this Chapter that it is  
15 exercising within its corporate limits. If a city fails to extend a particular type of development  
16 regulation to the extraterritorial area, the county may elect to exercise that particular type of  
17 regulation in the extraterritorial area.

18 (c) County Approval of City Jurisdiction.—Notwithstanding subsection (a) of this  
19 section, no city may extend its extraterritorial powers into any area for which the county has  
20 adopted and is enforcing county zoning and subdivision regulations. However, the city may do  
21 so where the county is not exercising both of these powers, or when the city and the county have  
22 agreed upon the area within which each will exercise the powers conferred by this Chapter. No  
23 city may extend its extraterritorial powers beyond one mile from its corporate limits without the  
24 approval of the board or boards of county commissioners with jurisdiction over the area.

25 (d) Notice of Proposed Jurisdiction Change.—Any municipality proposing to exercise  
26 extraterritorial jurisdiction under this Chapter shall notify the owners of all parcels of land  
27 proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax  
28 records. The notice shall be sent by first class mail to the last addresses listed for affected  
29 property owners in the county tax records. The notice shall inform the landowner of the effect of  
30 the extension of extraterritorial jurisdiction, of the landowner's right to participate in a legislative  
31 hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as  
32 provided in G.S. 160D-601, and of the right of all residents of the area to apply to the board of  
33 county commissioners to serve as a representative on the planning board and the board of  
34 adjustment, as provided in G.S. 160D-303. The notice shall be mailed at least 30 days prior to  
35 the date of the hearing. The person or persons mailing the notices shall certify to the city council  
36 that the notices were sent by first class mail, and the certificate shall be deemed conclusive in the  
37 absence of fraud.

38 (e) Boundaries.—Any council exercising extraterritorial jurisdiction under this Chapter  
39 shall adopt an ordinance specifying the areas to be included based upon existing or projected  
40 urban development and areas of critical concern to the city, as evidenced by officially adopted  
41 plans for its development. A single jurisdictional boundary shall be applicable for all powers  
42 conferred in this Chapter. Boundaries shall be defined, to the extent feasible, in terms of  
43 geographical features identifiable on the ground. Boundaries may follow parcel ownership  
44 boundaries. A council may, in its discretion, exclude from its extraterritorial jurisdiction areas  
45 lying in another county, areas separated from the city by barriers to urban growth, or areas whose  
46 projected development will have minimal impact on the city. The boundaries specified in the  
47 ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a  
48 combination of these techniques. This delineation shall be maintained in the manner provided in  
49 G.S. 160A-22 for the delineation of the corporate limits and shall be recorded in the office of the  
50 register of deeds of each county in which any portion of the area lies.

1 ~~Where the extraterritorial jurisdiction of two or more cities overlaps, the jurisdictional~~  
2 ~~boundary between them shall be a line connecting the midway points of the overlapping area~~  
3 ~~unless the city councils agree to another boundary line within the overlapping area based upon~~  
4 ~~existing or projected patterns of development.~~

5 (f) County Authority Within City Jurisdiction. – The county may, on request of the city  
6 council, exercise any or all of ~~these~~ the powers granted in this Chapter in any or all areas lying  
7 within the city's corporate ~~limits or within the city's specified area of extraterritorial~~  
8 ~~jurisdiction limits.~~

9 (g) Transfer of Jurisdiction. – When a city ~~annexes, annexes~~ or a new city is incorporated  
10 ~~in, or a city extends its jurisdiction to include, in~~ an area that is currently being regulated by the  
11 county, the county development regulations and powers of enforcement shall remain in effect  
12 until (i) the city has adopted such development regulations or (ii) a period of 60 days has elapsed  
13 following the ~~annexation, extension, annexation~~ or incorporation, whichever is sooner. Prior to  
14 the transfer of jurisdiction, the city may hold hearings and take any other measures consistent  
15 with G.S. 160D-204 that may be required in order to adopt and apply its development regulations  
16 for the area at the same time it assumes jurisdiction.

17 (h) Relinquishment of Jurisdiction. – When a city relinquishes jurisdiction over an area  
18 that it is regulating under this Chapter to a county, the city development regulations and powers  
19 of enforcement shall remain in effect until (i) the county has adopted such development  
20 regulation or (ii) a period of 60 days has elapsed following the action by which the city  
21 relinquished jurisdiction, whichever is sooner. Prior to the transfer of jurisdiction, the county  
22 may hold hearings and take other measures consistent with G.S. 160D-204 that may be required  
23 in order to adopt and apply its development regulations for the area at the same time it assumes  
24 jurisdiction.

25 (i) Process for Local Government Approval. – When a local government is granted  
26 powers by this section subject to the request, approval, or agreement of another local government,  
27 the request, approval, or agreement shall be evidenced by a formally adopted resolution of the  
28 governing board of the local government. Any such request, approval, or agreement can be  
29 rescinded upon two years' written notice to the other governing boards concerned by repealing  
30 the resolution. The resolution may be modified at any time by mutual agreement of the governing  
31 boards concerned.

32 (j) ~~Local Acts. – Nothing in this section shall repeal, modify, or amend any local act that~~  
33 ~~defines the boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and~~  
34 ~~distances.~~

35 (k) Effect on Vested Rights. – Whenever a city or county, pursuant to this section,  
36 acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another  
37 local government, any person who has acquired vested rights in the surrendering jurisdiction may  
38 exercise those rights as if no change of jurisdiction had occurred. The city or county acquiring  
39 jurisdiction may take any action regarding such a development approval, certificate, or other  
40 evidence of compliance that could have been taken by the local government surrendering  
41 jurisdiction pursuant to its development regulations. Except as provided in this subsection, any  
42 building, structure, or other land use in a territory over which a city or county has acquired  
43 jurisdiction is subject to the development regulations of the city or county."

44 **SECTION 6.1.(c)** G.S. 160D-307 is repealed.

45 **SECTION 6.1.(d)** G.S. 160D-602 reads as rewritten:

46 **"§ 160D-602. Notice of hearing on proposed zoning map amendments.**

47 (a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide  
48 for the manner in which zoning regulations and the boundaries of zoning districts are to be  
49 determined, established, and enforced, and from time to time amended, supplemented, or  
50 changed, in accordance with the provisions of this Chapter. The owners of affected parcels of  
51 land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of

1 the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed  
 2 for such owners on the county tax abstracts. For the purpose of this section, properties are  
 3 "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must  
 4 be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. ~~If  
 5 the zoning map amendment is being proposed in conjunction with an expansion of municipal  
 6 extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single  
 7 hearing on the zoning map amendment and the boundary amendment may be held. In this  
 8 instance, the initial notice of the zoning map amendment hearing may be combined with the  
 9 boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the  
 10 hearing.~~

11 ...."

12 **SECTION 6.1.(e)** G.S. 160D-903(c) is repealed.

13 **SECTION 6.1.(f)** G.S. 160D-912 reads as rewritten:

14 "**§ 160D-912. Outdoor advertising.**

15 ...

16 (m) This section does not apply to any ordinance in effect on July 1, 2004. A local  
 17 government may amend an ordinance in effect on July 1, 2004, to extend application of the  
 18 ordinance to off-premises outdoor advertising located in territory acquired by ~~annexation or  
 19 located in the extraterritorial jurisdiction of the city.~~ annexation. A local government may repeal  
 20 or amend an ordinance in effect on July 1, 2004, so long as the amendment to the existing  
 21 ordinance does not reduce the period of amortization in effect on June 19, 2020.

22 ...."

23 **SECTION 6.1.(g)** G.S. 160D-925(e) is repealed.

24 **SECTION 6.1.(h)** G.S. 160D-1102(a) reads as rewritten:

25 "(a) A local government may create an inspection department and may appoint inspectors  
 26 who may be given appropriate titles, such as building inspector, electrical inspector, plumbing  
 27 inspector, housing inspector, zoning inspector, heating and air-conditioning inspector, fire  
 28 prevention inspector, or deputy or assistant inspector, or another title generally descriptive of the  
 29 duties assigned. Every local government shall perform the duties and responsibilities set forth in  
 30 G.S. 160D-1104 either by (i) creating its own inspection department, (ii) creating a joint  
 31 inspection department in cooperation with one or more other units of local government, pursuant  
 32 to Part 1 of Article 20 of Chapter 160A of the General Statutes, (iii) contracting with another unit  
 33 of local government for the provision of inspection services pursuant to Part 1 of Article 20 of  
 34 Chapter 160A of the General Statutes, or (iv) arranging for the county in which a city is located  
 35 to perform inspection services within the city's jurisdiction as authorized by ~~G.S. 160D-1104 and  
 36 G.S. 160D-202.~~ G.S. 160D-1104. Every local government shall designate a person responsible  
 37 for the daily oversight of the local government's duties and responsibilities under  
 38 G.S. 160D-1104."

39 **SECTION 6.1.(i)** G.S. 160D-1125(c) reads as rewritten:

40 "(c) Additional Lien. – The amounts incurred by a local government in connection with  
 41 the removal or demolition are also a lien against any other real property owned by the owner of  
 42 the building or structure and located within the local government's planning and development  
 43 regulation ~~jurisdiction, and for cities without extraterritorial planning and development  
 44 jurisdiction, within one mile of the city limits,~~ jurisdiction, except for the owner's primary  
 45 residence. The provisions of subsection (b) of this section apply to this additional lien, except  
 46 that this additional lien is inferior to all prior liens and shall be collected as a money judgment."

47 **SECTION 6.1.(j)** G.S. 113A-208(d) reads as rewritten:

48 "(d) An ordinance adopted under the authority of this section applies to all protected  
 49 mountain ridges as defined in G.S. 113A-206. A county or city may apply the ordinance to other  
 50 mountain ridges within its jurisdiction if it finds that this application is reasonably necessary to  
 51 protect against some or all of the hazards or problems set forth in G.S. 113A-207. ~~Additionally,~~

1 a city with a population of 50,000 or more may apply the ordinance to other mountain ridges  
2 within its extraterritorial planning jurisdiction if it finds that this application is reasonably  
3 necessary to protect against some or all of the hazards or problems set forth in G.S. 113A-207."

4 **SECTION 6.1.(k)** G.S. 130A-317(d) reads as rewritten:

5 "(d) Municipalities, counties, local boards or commissions, water and sewer authorities,  
6 or groups of municipalities and counties may establish and administer within their utility service  
7 areas their own approval program in lieu of State approval of water system plans required in  
8 subsection (c) of this section for construction or alteration of the distribution system of a proposed  
9 or existing public water system, subject to the prior certification of the Department. For purposes  
10 of this subsection, the service area of a municipality shall include only that area within the  
11 corporate limits of the municipality and that area outside a municipality in its extraterritorial  
12 jurisdiction where water service is already being provided to the permit applicant by the  
13 municipality or connection to the municipal water system is immediately available to the  
14 applicant; the service areas of counties and the other entities or groups shall include only those  
15 areas where water service is already being provided to the applicant by the permitting authority  
16 or connection to the permitting authority's system is immediately available. For purposes of this  
17 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a  
18 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter  
19 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the  
20 municipality's relinquishment of extraterritorial planning jurisdiction over the area in accordance  
21 with the law. No later than the 180th day after the receipt of an approval program and statement  
22 submitted by any local government, commission, authority, or board, the Department shall certify  
23 any local program that meets all of the following conditions:

24 ...."

25 **SECTION 6.1.(l)** G.S. 136-55.1(b) reads as rewritten:

26 "(b) ~~In keeping with its overall zoning scheme and long range plans regarding the~~  
27 ~~extraterritorial jurisdiction area, a~~ A municipality may keep open and assume responsibility for  
28 maintenance of a road within one mile of its corporate limits once it is abandoned from the State  
29 highway system."

30 **SECTION 6.1.(m)** G.S. 136-63(b) reads as rewritten:

31 "(b) ~~In keeping with its overall zoning scheme and long range plans regarding the~~  
32 ~~extraterritorial jurisdiction area, a~~ A municipality may keep open and assume responsibility for  
33 maintenance of a road within one mile of its corporate limits once it is abandoned from the State  
34 highway system."

35 **SECTION 6.1.(n)** G.S. 136-66.3(a) reads as rewritten:

36 "(a) Municipal Participation Authorized. – A municipality may, but is not required to,  
37 participate in the right-of-way and construction cost of a State transportation improvement  
38 approved by the Board of Transportation under G.S. 143B-350(f)(4) that is located in the  
39 ~~municipality or its extraterritorial jurisdiction.~~ municipality."

40 **SECTION 6.1.(o)** G.S. 143-138(e) reads as rewritten:

41 "(e) Effect upon Local Codes. – Except as otherwise provided in this section, the North  
42 Carolina State Building Code shall apply throughout the State, from the time of its adoption.  
43 Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any  
44 political subdivision of the State may adopt a fire prevention code and floodplain management  
45 regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for  
46 this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal  
47 jurisdiction shall include all areas within the corporate limits of the ~~municipality and~~  
48 ~~extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act;~~  
49 municipality; county jurisdiction shall include all other areas of the county. No such code or  
50 regulations, other than floodplain management regulations and those permitted by  
51 G.S. 160D-1128, shall be effective until they have been officially approved by the Building Code

1 Council as providing adequate minimum standards to preserve and protect health and safety, in  
2 accordance with the provisions of subsection (c) above. Local floodplain regulations may  
3 regulate all types and uses of buildings or structures located in flood hazard areas identified by  
4 local, State, and federal agencies, and include provisions governing substantial improvements,  
5 substantial damage, cumulative substantial improvements, lowest floor elevation, protection of  
6 mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant  
7 materials, and other measures the political subdivision deems necessary considering the  
8 characteristics of its flood hazards and vulnerability. In the absence of approval by the Building  
9 Code Council, or in the event that approval is withdrawn, local fire prevention codes and  
10 regulations shall have no force and effect. Provided any local regulations approved by the local  
11 governing body which are found by the Council to be more stringent than the adopted statewide  
12 fire prevention code and which are found to regulate only activities and conditions in buildings,  
13 structures, and premises that pose dangers of fire, explosion or related hazards, and are not  
14 matters in conflict with the State Building Code, may be approved. Local governments may  
15 enforce the fire prevention code of the State Building Code using civil remedies authorized under  
16 G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official  
17 with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139,  
18 a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175  
19 based upon the same violation. Appeals from the assessment or imposition of such civil remedies  
20 shall be as provided in G.S. 160D-1127.

21 A local government may not adopt any ordinance in conflict with the exemption provided by  
22 subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the  
23 exemption provided by subsection (c1) of this section."

24 **SECTION 6.1.(p)** G.S. 143-215.1(f) reads as rewritten:

25 "(f) Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. –  
26 Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of  
27 municipalities and counties may establish and administer within their utility service areas their  
28 own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and  
29 (8) above, for construction, operation, alteration, extension, change of proposed or existing sewer  
30 system, subject to the prior certification of the Commission. For purposes of this subsection, the  
31 service area of a municipality shall include only that area within the corporate limits of the  
32 municipality and that area outside a municipality in its extraterritorial jurisdiction where sewer  
33 service or a reclaimed water utilization system is already being provided by the municipality to  
34 the permit applicant or connection to the municipal sewer system or a reclaimed water utilization  
35 system is immediately available to the applicant; the service areas of counties and the other  
36 entities or groups shall include only those areas where sewer service or a reclaimed water  
37 utilization system is already being provided to the applicant by the permitting authority or  
38 connection to the permitting authority's system is immediately available. For purposes of this  
39 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a  
40 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter  
41 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the  
42 municipality's relinquishment of extraterritorial planning jurisdiction over the area in accordance  
43 with the law. No later than the 180th day after the receipt of a program and statement submitted  
44 by any local government, commission, authority, or board the Commission shall certify any local  
45 program that does all of the following:

46 ...."

47 **SECTION 6.1.(q)** G.S. 153A-317.14(a)(6) is repealed.

48 **SECTION 6.1.(r)** G.S. 160A-58.4 reads as rewritten:

49 **"§ 160A-58.4. Extraterritorial powers.**

50 Satellite corporate limits shall not be considered a part of the city's corporate limits for the  
51 purposes of ~~extraterritorial land use regulation pursuant to G.S. 160D-202~~ or abatement of public

1 health nuisances pursuant to G.S. 160A-193. However, a city's power to regulate land use  
2 pursuant to Chapter 160D of the General Statutes or to abate public health nuisances pursuant to  
3 G.S. 160A-193, shall be the same within satellite corporate limits as within its primary corporate  
4 limits."

5 **SECTION 6.1.(s)** G.S. 160A-176.1(a) reads as rewritten:

6 "(a) A city may adopt ordinances to regulate and control swimming, surfing and littering  
7 in the Atlantic Ocean adjacent to that portion of the city within its ~~boundaries or within its~~  
8 ~~extraterritorial jurisdiction; boundaries;~~ provided, however, nothing contained herein shall be  
9 construed to permit any city to prohibit altogether swimming and surfing or to make these  
10 activities unlawful."

11 **SECTION 6.1.(t)** G.S. 160A-176.2(a) reads as rewritten:

12 "(a) A city may adopt ordinances to regulate and control swimming, personal watercraft  
13 operation, surfing and littering in the Atlantic Ocean and other waterways adjacent to that portion  
14 of the city within its ~~boundaries or within its extraterritorial jurisdiction; boundaries;~~ provided,  
15 however, nothing contained herein shall be construed to permit any city to prohibit altogether  
16 swimming or surfing or to make these activities unlawful."

17 **SECTION 6.1.(u)** G.S. 160A-296(a1) is repealed.

18 **SECTION 6.1.(v)** G.S. 160A-299(d) reads as rewritten:

19 "(d) This section shall apply to any street or public alley within a city ~~or its extraterritorial~~  
20 ~~jurisdiction~~ that has been irrevocably dedicated to the public, without regard to whether it has  
21 actually been opened. This section also applies to unopened streets or public alleys that are shown  
22 on plats but that have not been accepted or maintained by the city, provided that this section shall  
23 not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to  
24 G.S. 136-96."

25 **SECTION 6.1.(w)** Any provision in a local act that grants a city, within the County  
26 of Moore, the power to exercise extraterritorial planning jurisdiction under Article 19 of Chapter  
27 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, is hereby  
28 repealed.

29 **SECTION 6.1.(x)** This section becomes effective August 1, 2025, and applies to  
30 cities within the County of Moore.

31 **SECTION 6.2.** No city, within the County of Moore, may expand its extraterritorial  
32 jurisdiction beyond the territory that the city was exercising extraterritorial jurisdiction authority  
33 upon as of June 1, 2024.

34 **SECTION 6.3.(a)** Notwithstanding G.S. 160D-202(h), the relinquishment of  
35 jurisdiction over an area that a city, within the County of Moore, is regulating under the authority  
36 of extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes,  
37 or its successor Chapter 160D of the General Statutes, shall be determined by the County of  
38 Moore, not the city which has been exercising extraterritorial jurisdiction over the area.

39 **SECTION 6.3.(b)** Nothing in this Part shall be construed as prohibiting a city, within  
40 the County of Moore, from relinquishing jurisdiction over an area prior to the effective date set  
41 forth in Section 6.1(x) of this Part so long as the city complies with the provisions of Article 19  
42 of Chapter 160A of the General Statutes, or its successor Chapter 160D of the General Statutes.

43 **SECTION 6.3.(c)** Upon relinquishment of jurisdiction over an area that a city, within  
44 the County of Moore, is regulating under the authority of extraterritorial planning jurisdiction  
45 under Article 19 of Chapter 160A of the General Statutes, or its successor Chapter 160D of the  
46 General Statutes:

- 47 (1) The city regulations and powers of enforcement shall remain in effect until  
48 the earlier of the effective date of the land use regulations adopted by the  
49 County of Moore with jurisdiction over the area or 60 days after the effective  
50 date set forth in Section 6.1(x) of this Part for that county. If the sixtieth day  
51 falls on a holiday or weekend, the next business day shall be treated as the



sixtieth day. The county may hold hearings and take other measures that may be required in order to adopt county regulations for the area prior to the effective date set forth in Section 6.1(x) of this Part for that county.

(2) Any person who has acquired vested rights under a permit, certificate, or other evidence of compliance issued by the city may exercise those rights as if no change of jurisdiction had occurred. The county acquiring jurisdiction may take any action regarding the permit, certificate, or other evidence of compliance that could have been taken by the city surrendering jurisdiction pursuant to the city ordinances and regulations. Except as provided in this section, any building, structure, or other land use in a territory over which the County of Moore has acquired jurisdiction is subject to the ordinances and regulations of the county. At least 180 days prior to the effective date set forth in Section 6.1(x) of this Part, cities within the County or Moore shall notify the county of the following:

- a. The boundaries of the city's extraterritorial jurisdiction in that county.
- b. The existing land use regulations applying to that extraterritorial jurisdiction in that county, including zoning and overlay maps.
- c. Any pending requests for amendments or other changes to the existing land use regulations applying to that extraterritorial jurisdiction in that county.
- d. Any vested rights with respect to properties in the extraterritorial jurisdiction in that county.

**SECTION 6.4.** This Part shall have no effect on the extraterritorial jurisdiction of law enforcement officers as authorized in any of the following:

- (1) Chapter 77 of the General Statutes.
- (2) G.S. 15A-402.
- (3) G.S. 20-38.2.
- (4) G.S. 160A-286.
- (5) Any local act or provision of general law.

**SECTION 6.5.** Except as otherwise provided, this Part is effective when it becomes law.

**PART VII. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

**SEVERABILITY CLAUSE**

**SECTION 7.1.** If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.

**EFFECTIVE DATE**

**SECTION 7.2.** Except as otherwise provided, this act is effective when it becomes law.