

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 120*

Short Title: Building Inspections/Local Consistency. (Public)

Sponsors: Representatives Hager, W. Brawley, Cotham, and Arp (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Regulatory Reform Subcommittee on Local Government, if favorable, Finance.

February 20, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE APPROVAL FROM THE NORTH CAROLINA BUILDING CODE
3 COUNCIL BEFORE A UNIT OF LOCAL GOVERNMENT MAY REQUIRE BUILDING
4 INSPECTIONS IN ADDITION TO THOSE REQUIRED BY THE BUILDING CODE
5 AND TO SPECIFY THE FREQUENCY AND EFFECTIVE DATES OF CODE
6 UPDATES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1.(a) G.S. 153A-360 reads as rewritten:

9 "§ 153A-360. Inspections of work in progress.

10 (a) As the work pursuant to a permit progresses, local inspectors shall make as many
11 inspections of the work as may be necessary to satisfy them that it is being done according to
12 the provisions of the applicable State and local laws and local ordinances and regulations and
13 of the terms of the permit. In exercising this power, each member of the inspection department
14 has a right, upon presentation of proper credentials, to enter on any premises within the
15 territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or
16 other enforcement action. If a permit has been obtained by an owner exempt from licensure
17 under G.S. 87-1(b)(2), no inspection shall be conducted without the owner being personally
18 present, unless the plans for the building were drawn and sealed by an architect licensed
19 pursuant to Chapter 83A of the General Statutes.

20 (b) A county may not require regular, routine inspections of buildings or structures
21 constructed pursuant to the North Carolina Residential Code for One- and Two-Family
22 Dwellings in addition to the specific inspections required by the North Carolina Building Code
23 without first obtaining approval from the North Carolina Building Code Council. The North
24 Carolina Building Code Council shall review all applications for additional inspections
25 requested by a county and shall, in a timely manner, approve or disapprove the additional
26 inspections. This subsection does not limit the authority of the county to require inspections
27 upon unforeseen or unique circumstances that require immediate action."

28 SECTION 1.(b) G.S. 160A-420 reads as rewritten:

29 "§ 160A-420. Inspections of work in progress.

30 (a) As the work pursuant to a permit progresses, local inspectors shall make as many
31 inspections thereof as may be necessary to satisfy them that the work is being done according
32 to the provisions of any applicable State and local laws and of the terms of the permit. In
33 exercising this power, members of the inspection department shall have a right to enter on any
34 premises within the jurisdiction of the department at all reasonable hours for the purposes of
35 inspection or other enforcement action, upon presentation of proper credentials. If a permit has



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1 been obtained by an owner exempt from licensure under G.S. 87-1(b)(2), no inspection shall be
2 conducted without the owner being personally present, unless the plans for the building were
3 drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes.

4 (b) A city may not require regular, routine inspections of buildings or structures
5 constructed pursuant to the North Carolina Residential Code for One- and Two-Family
6 Dwellings in addition to the specific inspections required by the North Carolina Building Code
7 without first obtaining approval from the North Carolina Building Code Council. The North
8 Carolina Building Code Council shall review all applications for additional inspections
9 requested by a city and shall, in a timely manner, approve or disapprove the additional
10 inspections. This subsection does not limit the authority of the city to require inspections upon
11 unforeseen or unique circumstances that require immediate action."

12 **SECTION 2.** G.S.143-138(d) reads as rewritten:

13 "(d) Amendments of the Code. – The Building Code Council may periodically revise
14 and amend the North Carolina State Building Code, either on its own motion or upon
15 application from any citizen, State agency, or political subdivision of the State. In addition to
16 the periodic revisions or amendments made by the Council, the Council shall revise the North
17 Carolina State Building Code: Residential Code for One- and Two-Family Dwellings,
18 including provisions applicable to One- and Two-Family dwellings from the NC Energy Code,
19 NC Electrical Code, NC Fuel Gas Code, NC Plumbing Code, and NC Mechanical Code only
20 every six years, to become effective the first day of January of the following year, with at least
21 six months between adoption and effective date. The first six year revision under this
22 subsection shall be adopted to become effective January 1, 2019, and every six years thereafter.
23 The Council shall revise the provisions of the North Carolina State Building Code applicable to
24 all buildings and structures other than those subject to the North Carolina State Building Code:
25 Residential Code for One- and Two-Family Dwellings at least every three years to become
26 effective the first day of January of the following year, with at least six months between
27 adoption and effective date. The first three year revision under this subsection shall be adopted
28 to become effective January 1, 2016, and every three years thereafter. In adopting any
29 amendment, the Council shall comply with the same procedural requirements and the same
30 standards set forth above for adoption of the Code. The Council shall publish in the North
31 Carolina Register and shall post on the Council's Web site North Carolina specific
32 commentaries providing explanatory material on Code provisions no later than the effective
33 date of the three or six year revisions described in this subsection. All Code interpretations
34 made by staff of the Department or the Council shall be published in the North Carolina
35 Register at least semi-annually and shall also be posted on the Council's Web site within two
36 business days of issuance."

37 **SECTION 3.** If any provision of this act or its application is held invalid, the
38 invalidity does not affect other provisions or applications of this act that can be given effect
39 without the invalid provisions or application, and to this end the provisions of this act are
40 severable.

41 **SECTION 4.** This act becomes effective July 1, 2013.