



APPENDIX C
CODE CHANGE PROPOSAL
NORTH CAROLINA
BUILDING CODE COUNCIL

Item B-8

325 North Salisbury Street, Room 5_44
Raleigh, North Carolina 27603
(919) 647-0009
carl.martin@ncdoi.gov

Petition for Rule Making

Item Number _____

Granted by BCC _____
Denied by BCC _____

Adopted by BCC _____
Disapproved by BCC _____

Approved by RRC _____
Objection by RRC _____

PROPONENT: David B. Rittlinger PHONE: (919) 647-0008
REPRESENTING: NCDOI-OSFM Engineering and Codes Division
ADDRESS: 1429 Rock Quarry Road, Suite 105
CITY: Raleigh STATE: NC ZIP: 27610
E-MAIL: david.rittlinger@ncdoi.gov FAX: ()

2024 North Carolina Administrative Code and Policies – Appendix H

CHECK ONE: [] Revise section to read as follows: [] Delete section and substitute the following:
[X] Add new section to read as follows: [] Delete section without substitution:

~~LINE THROUGH MATERIAL TO BE DELETED~~

UNDERLINE MATERIAL TO BE ADDED

Please type. Continue proposal or reason on plain paper attached to this form. See reverse side for instructions.

See attached.

Will this proposal change the cost of construction? Decrease [] Increase [] No [X]
Will this proposal increase to the cost of a dwelling by \$80 or more? Yes [] No [X]
Will this proposal affect the Local or State funds? Local [] State [] No [X]
Will this proposal cause a substantial economic impact (>=\$1,000,000)? Yes [] No [X]

- Non-Substantial – Provide an economic analysis including benefit/cost estimates.
• Substantial – The economic analysis must also include 2-alternatives, time value of money and risk analysis.
• Pursuant to §143-138(a1)(2) a cost-benefit analysis is required for all proposed amendments to the NC Energy Conservation Code. The Building Code Council shall also require same for the NC Residential Code, Chapter 11.

REASON: Adding Appendix H: "Affidavit of on-site wastewater existing system pursuant to N.C.G.S. 160D-1110(h1)" to comply with SL 2023-90 (H628) that was signed into law on 7/10/23 and becomes effective 10-1-23.

BCC CODE CHANGES

Signature: DR. Rittlinger

Date: 7/30/2023

FORM 11/26/19

INSTRUCTIONS

Each proposed Code change request shall comply with the following policies:

Rule 1: The Original and twenty-two (22) copies of the proposed Petition for Rule-Making along with supporting documentation shall be filed with the Building Code Council Secretary. Submit one (1) electronic copy via email.

Rule 2: The filing shall be received by the first day of the month prior to the quarterly scheduled meeting date. Example: A December meeting date will require filing by November 1 prior to the meeting.

Rule 3: Each request shall be typewritten on this form and shall contain the following:

- (1) The proposed rule change must be set forth in full and contain explicit reference to the affected section or sections of the Code.
- (2) The request shall state the reasons for the proposed rule change with supporting documentation.
- (3) The proposed rule change shall comply with the standards set forth in GS 143-138(c) and reference to the particular standards shall be set forth in the request for the amendment.
- (4) The proposed rule change shall contain an economic impact analysis as required by GS 143-138(a).
- (5) A proposed rule change to the NC Energy Conservation Code shall have an accompanying cost-benefit analysis as required by GS 143-138(a1)(2).

Rule 4: When a request is improperly filed or not in accordance with all the rules listed above, the BCC Secretary shall reject the submittal and notify the applicant of the proper procedure to follow.

Rule 5: Upon the proper filing of a request, the BCC Secretary shall forward one copy of said request to each council member prior to the scheduled meeting date. Persons filing proposed petitions are hereby notified of the place and time of the scheduled hearings. The BCC Secretary shall cause to be published the notice of public hearing as specified in GS 143-138(a).

Rule 6: The Council shall either Grant or Deny the proposed Petition for Rulemaking at the meeting following receipt of the proposed rule change. The Council will take no further action on items that are Denied. Granted items may be referred to Committee for review.

Rule 7: The Council will hold a public hearing on Granted items at the next quarterly scheduled meeting. The Council will take final action on Granted items at the next quarterly scheduled meeting after the public hearing.

Timeline Example

| | |
|-------------------------------------|------------------------------|
| Petition received: | February 1 |
| Petition Granted: | March BCC meeting |
| Notice of Hearing published: | April NC Register |
| Committee review: | May - June |
| Hearing held: | June BCC meeting |
| Final Adoption: | September BCC meeting |
| Rules Review Meeting: | November RRC meeting |
| Approved: | December 1 |

APPENDIX H

AFFIDAVIT OF ON-SITE WASTEWATER EXISTING SYSTEM PUSUANT TO N.C.G.S. §160D-1110(h1)

[This form is only required with a permit application if the permit applicant is applying for exemption as allowed by N.C.G.S. § 160D-1110(h1)]

STATE OF NORTH CAROLINA

COUNTY OF _____

_____ Inspection Department

Address and Parcel Identification of Real Property Where Building is to be Constructed or Altered:

I, _____,

(Print Full Name)

owner of the property, do hereby under penalties of perjury affirm that the proposed building construction will meet local and State on-site wastewater system setback requirements pursuant to N.C.G.S. § 130A-335. Additionally, the proposed construction shall not increase the design daily flow or wastewater strength of the existing system and thereby absolves the State, Inspection Department, and Local Health Department of any responsibility or liability regarding the existing wastewater system.

The property owner may, at his or her discretion, consult with an authorized on-site wastewater evaluator certified by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board or an inspector, as defined in N.C.G.S. § 90A-71(5), to locate the on-site wastewater existing system and verify setbacks requirements prior to executing this affidavit.

(Signature of Affiant)

Date

Sworn to (or affirmed) and Subscribed before me this the ____ day of _____, 20__

Signature of Notary Public

Printed Name of Notary Public

My Commission Expires: _____ (Notary Stamp or Seal)