

APPENDIX C CODE CHANGE PROPOSAL NORTH CAROLINA BUILDING CODE COUNCIL

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

Granted by BCC _____ Petition for Rule Making Item Number _____
 Denied by BCC _____ Adopted by BCC _____ Approved by RRC _____
 Disapproved by BCC _____ Objection by RRC _____

PROPONENT: Carl Martin PHONE: (919)888-0284
 REPRESENTING: DOI Staff to the BCC
 ADDRESS: 1202 MCS
 CITY: Raleigh STATE: NC ZIP: 27699-1202
 E-MAIL: carl.martin@ncdoi.gov FAX: () -

North Carolina State Building Code, Volume Administration - Section Chapters 1, 2 and 3

CHECK ONE: Revise section to read as follows: Delete section and substitute the following:
 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 Attachment A

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

- 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:

To update the 2018 NC Administrative Code and Policies to reflect changes in the referenced NC Statutes.

Signature: Carl Martin

Date: 2/2/2021

BCC CODE CHANGES
FORM 11/26/19

Attachment A

106.1 Permit required. A current permit is required for all work described in the technical codes unless specifically exempted by the North Carolina General Statutes or the technical codes.

Commentary: Reference North Carolina General Statutes ~~153A-357 and 160A-417~~ Statute 160D-1110 for exceptions.

106.2.3 Review and approval. When the inspection department issues a permit, it shall approve, in writing or by stamp, all sets of drawings and specifications “Reviewed for Code Compliance”.

Exception: Nothing in this section shall require the review and approval of one- and two-family dwelling plans.

Commentary: Drawings and specifications shall be kept in a manner prescribed by North Carolina General Statutes ~~153A-373 and 160A-433~~ Statute 160D-1126.

202.9.1 Engineering division. A written technical interpretation shall be provided as specified in Section ~~203.1.2.1.2~~ 203.2.1.2. Any person may appeal in writing an order, decision or determination pertaining to the code or any state building law by filing written notice with the Commissioner of Insurance or his designee within 10 days after the order, decision or determination. A copy of the appeal shall be furnished to each party.

(General Statutes 143-140, ~~153A-374 and 160A-434~~ and 160D-1127)

202.9.2.2 The Notice or Appeal shall be received no later than 30 days from the date of the decision of the State enforcement agency. (General Statute 143-141).

203.1.1.3 Buildings within primary fire limits. The Commissioner of Insurance or his or her designee shall review all permits to erect, alter, repair or move any wood-frame building or structure within the primary fire district of a municipality. Such permits shall be received and approved by the Inspection Department and approved by the Municipal Council prior to the Commissioner or his or her designee’s approval.

(General Statutes ~~153A-375 and 160A-436~~ Statute 160D-1128)

203.2.2 Appeals. Any person may appeal in writing an order, decision or determination of a code enforcement official pertaining to the code or any state building law. The appeal shall be addressed to the Chief Engineer for the Department of Insurance by filing written notice within 10 days after the order, decision or determination. The appeal shall contain the type and size of the building in question, the location of the building and shall reference the code sections in question. The decision shall be in writing and shall set forth the facts found. The decision rendered shall be based on the technical provisions of the code, public health and safety and shall be construed liberally to those ends. A decision shall be binding on all parties unless an appeal is submitted to the Building Code Council as specified in Section ~~201.9.2~~ 202.9.2. A copy of the appeal and written decision shall be furnished to each party.

(General Statutes ~~153A-374 and 160A-434~~ Statute 160D-1127)

204.1 General. The powers, duties and responsibilities of the code enforcement official are generally described in the following General Statutes: 1. ~~GS153A-352 for counties, and 2. GS160A-412 for cities~~ Statute 160D, Article 11.

204.2.2 Jurisdiction. A municipal inspection department shall have jurisdiction over all areas within the city limits, all extraterritorial areas that the city has jurisdiction pursuant to state laws, and over any areas in which the municipal limits have contracted with another unit of government to perform code enforcement. A county inspection department shall have jurisdiction over all unincorporated areas outside any municipal jurisdiction located within the county, all areas in which a municipality has requested the county to enforce the code, and within the jurisdiction of another unit of government in which the county has contracted to perform code enforcement. A joint inspection department created by two or more units of government shall have the authority to enforce the code in all areas of legal jurisdiction of all units of government supporting the joint department.

(~~General Statutes 153A-352 and 153A-353 for counties, and 160A-411 and 160A-413 for cities~~ 160D-1104 and 160D-1107)

204.2.3 Duties. Inspection departments shall:

1. Receive applications and supporting data for permits;
2. Issue or deny permits;
3. Make all necessary inspections to ensure code compliance;
4. Identify technical provisions found to be inconsistent with the inspection;
5. Issue or deny certificates of compliance and certificates of occupancy;
6. Issue stop work orders or orders to correct violations;
7. Maintain adequate records of permits issued or denied, inspections made, corrections ordered and certifications issued; and
8. Take other actions that may be required to adequately enforce the code.

(~~General Statutes 153A-352 and 160A-412~~ Statute 160D-1104)

204.2.4 Code enforcement official's qualifications. No state or local government employee shall enforce any provision of the North Carolina State Building Codes who does not possess an appropriate valid certificate issued by the North Carolina Code Official's Qualification Board as specified in ~~General Statutes 143-151.13, 153A-351.1 and 160A-411.1~~ and 160D-1103.

204.2.5 Conflict of interest. Information about conflict of interest for code enforcement officials can be found in ~~General Statutes 153A-355 for counties and 160A-415 for cities~~ Statute 160D-1108.

204.2.6 Right of entry. The code enforcement official shall have the right to enter buildings or premises as described in ~~General Statutes 153A-360 and 153A-364 for counties, and 160A-420 and 160A-421 for cities~~ 160D-1113 and 160D-1117.

204.2.7 Stop work orders. ~~General Statute 153A-361~~ 160D-404 authorizes a ~~county~~ code enforcement official to issue stop work orders. ~~General Statute 160A-421 authorizes a city code enforcement official to issue stop work orders. These statutes describe~~ The statute describes when a stop work order can be issued, and how the stop work order is to be issued, and how the stop work order may be appealed. See Section 204.10 for appeal of stop work orders.

204.2.8 Unsafe building or systems. A ~~county~~ code enforcement official's authority to condemn an unsafe building is found in General Statute ~~153A-366~~ 160D-1119. A ~~city~~ code enforcement official's authority to condemn an unsafe building is found in General Statute ~~160A-426~~.

204.3.1 General. No person may commence or proceed with:

1. The construction, reconstruction, alteration, repair, movement to another site, removal or demolition of any building;
 2. The installation, extension or general repair of any plumbing system;
 3. The installation, extension, alteration or general repair of any heating or cooling equipment system;
- or
4. The installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment without first securing from the Inspection Department with jurisdiction over the site of the work each permit required by the North Carolina State Building Codes and other State or local law or local ordinance or regulation applicable to the work.
- (General Statute ~~153A-357~~ and ~~160A-417~~ 160D-1110)

204.3.2 Validity. In accordance with General Statutes ~~153A-358~~ for counties and ~~160A-418~~ for cities Statute 160D-1111, a permit expires 6 months, or any lesser time fixed by local ordinances, after the date of issuance if the work authorized by the permit has not been commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit immediately expires. No work authorized by a permit that has expired may be performed until a new permit has been issued.

204.3.6 Contractor license required. When the General Statutes require that general construction, plumbing, mechanical, electrical, fire protection or gas work be performed by an appropriately licensed individual, no permit for such type work shall be issued to an unlicensed person or firm. Additional requirements may be found in General Statutes 87-14, 87-21(e), 87-43.1, 87-58, 153A-134, ~~153A-357~~, 160A-194 and ~~160A-417~~ 160D-1110.

204.4.1 Action on permits. In accordance with General Statute ~~153A-357~~ for counties and General Statute ~~160A-417~~ for cities 160D-1110, the Inspection Department shall examine each application for a permit to determine if it is in compliance with the requirements of the technical codes and other pertinent laws and ordinances. If the inspection department is satisfied that the work described in the application conforms to the requirements of the technical codes and other pertinent laws and ordinances, it shall issue a permit to the applicant. If the application does not conform to the requirements of the technical codes and other pertinent laws and ordinances, the application shall be returned to the applicant with the reasons for refusal stated.
(General Statutes ~~153A-352~~, ~~160A-412~~ and ~~160A-417~~ 160D-1104 and 160D-1110)

204.5.2 Permit intent. A permit issued shall be construed as permission to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes. Issuance of a permit shall not prevent the inspection department from requiring correction of errors in plans, construction or violations of this code.
(General Statutes ~~153A-357~~ and ~~160A-417~~ Statute 160D-1110)

204.5.3.2 Violation of code provisions. The code enforcement official may revoke a permit upon determination that the work for which the permit was issued is in violation of, or not in conformity with, the provisions of this or the technical codes.
(General Statute ~~153A-362~~, ~~160A-422~~ 160D-1115)

204.6.1 Fees. A permit shall not be issued until the fees prescribed by the local governing authority have been paid. No amendment to a permit shall be released until the additional fee, if any, has been paid.

(General Statutes ~~153A-354 and 160A-414~~ Statute 160D-402)

204.6.2 Work commencing before permit issuance. If any person commences any work on a building or service systems before obtaining the necessary permit, he or she shall be subject to a penalty as established by the local governing body.

(General Statutes ~~153A-354 and 160A-414~~ Statute 160D-402)

204.7.1 Periodic inspections for hazardous or unlawful conditions. The inspection department shall make periodic inspections as specified in General Statutes ~~153A-364 for counties and 160A-424 for cities~~ Statute 160D-1117.

204.8.1 Building occupancy. A new building shall not be occupied, or a change made in the occupancy, nature or use of a building or part of a building until after the inspection department has issued a certificate of compliance. The certificate of compliance shall not be issued until all required service systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the inspection department.

(General Statutes ~~153A-363 and 160A-423~~ Statute 160D-1116)

204.8.2 Certificate of compliance. Upon satisfactory completion of a building, plumbing, mechanical, electrical, fire protection or gas system, or portion thereof, a certificate of compliance shall be issued. The certificate of compliance represents that a structure or system is complete and for certain types of permits is permission granted for connection to a utility system. The certificate of compliance shall not be construed to grant authority to occupy a building.

(General Statutes ~~153A-363 and 160A-423~~ Statute 160D-1116)

204.8.3 Temporary/partial occupancy. A temporary/partial certificate of compliance may be issued permitting occupancy for a stated period for specific portions of a building or service system that the inspector finds safe for occupancy prior to final completion of the entire building or system.

(General Statutes ~~153A-363 and 160A-423~~ Statute 160D-1116)

204.9.2 Temporary connection. The inspection department may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems.

(General Statutes ~~153A-363 and 160A-423~~ Statute 160D-1116)

204.10 Appeal of stop ~~Stop~~ work orders. Whenever a stop order has been issued by an inspection department involving alleged violations of the State Building Codes, the owner or builder may appeal in writing to the Commissioner of Insurance, or his or her designee, within 5 days after the date the order is issued, with a copy of the appeal to the inspection department. No further work may take place in violation of a stop order. The Commissioner, or his or her designee, shall promptly conduct an investigation. The inspection department and the owner or builder shall be permitted to submit relevant evidence for the investigation. The Commissioner of Insurance, or his or her designee, shall provide a written statement of the decision setting forth the facts found, the decision reached and the reasons for

the decision. In the event of dissatisfaction with the decision, the person affected shall have the option of appealing as set forth in Section 203.1.2.

(General Statutes ~~153A-361 and 160A-421~~ Statute 160D-1114)

204.14 Code enforcement official not fulfilling responsibilities. When the code enforcement official does not fulfill his responsibilities as specified in Section 204.13, the Commissioner of Insurance or his designee may institute any appropriate actions or proceedings available.

(General Statutes 14-230, 14-231, 14-232, ~~153A-356 and 160A-41~~ 160D-1109)

CHAPTER 3 REPRINT OF THE GENERAL STATUTES PERTAINING TO THE ENFORCEMENT OF THE NORTH CAROLINA STATE BUILDING CODE

The North Carolina State Building Codes do not include all additional requirements for buildings and structures that may be imposed by other State agencies, occupational licensing boards and commissions. It shall be the responsibility of a permit holder, design professional, contractor or occupational license holder to determine whether any additional requirements exist.

The current language of the General Statutes may be viewed at www.ncleg.gov.

The following list, while extensive, may not include all applicable General Statutes.

1-539.2 Dismantling portion of building
14-68 Failure of owner of property to comply with orders of public authorities
14-228–232 Misconduct in public office
14-414 Pyrotechnics defined; exceptions
15-27.2 Administrative search and inspection warrants
42 Article 5 Landlord Tenant
58-2-95 Commissioner to supervise local inspectors
58-31-40 Commissioner to inspect state property; plans submitted
58-79-20 Inspection of premises; dangerous material removed
66-23–27 Electrical materials, devices, appliances and equipment
83A-1–13 Architects
87-1–15 General contractors
87-21 Plumbing, heating and fire sprinkler contractor
87-43 Electrical contractors
87-57–58 Refrigeration contractors
89C-3–23 Engineers
95-69 Uniform boiler and pressure vessel act
105-130–151 Accessibility tax credit
106-581.1 Agriculture Defined
115C-525 Public schools
119 Article 5 Liquefied petroleum gases
130A-336–339 Wastewater system construction
133-1–4 Public works
143-135.1 Inspection of state owned buildings
143-136–143 Building Code Council and Building Code
143-141 Appeals to Building Code Council
143-151.8–21 Code officials qualification board

143-151.42 Prohibition of master meters for electric and natural gas service

143-151.43-64 North Carolina home inspector board

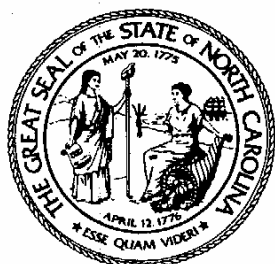
150B-18-21 Administrative Procedures Act

~~153A-97-375 Counties~~

~~160A-167-438 Cities~~

160D Article 11 Building Code Enforcement

DRAFT



**APPENDIX E
APPEALS
NORTH CAROLINA
BUILDING CODE COUNCIL**

325 North Salisbury Street, Room 5_44
Raleigh, North Carolina 27603
(919) 647-0009

APPEAL TO NCDOI/NCBCC Hearing Date _____/_____/_____

GS 153A-374, GS 160A-434 160D-1127
Formal Interpretation by NCDOI _____
Appeal of Local Decision to NCDOI _____

GS 143-140, GS 143-141
Appeal of Local Decision to NCBCC _____
Appeal of NCDOI Decision to NCBCC _____

APPELLANT _____ PHONE: (____) - _____ x _____
REPRESENTING: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
E-MAIL: _____ FAX: (____) - _____

North Carolina State Building Code, Volume _____ - Section _____

REQUEST ONE: [] Formal Interpretation by NCDOI [] Appeal of Local Decision to NCBCC
[] Appeal of Local Decision to NCDOI [] Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

REASON:

Signature: _____ Date: _____

APPEAL TO NCDOI/NCBCC
FORM 3/14/17

202.9.1 Engineering Division. A written technical interpretation shall be provided as specified in Section 203.2.1.2. Any person may appeal in writing an order, decision, or determination pertaining to the code or any state building law by filing written notice with the Commissioner of Insurance or his designee within 10 days after the order, decision or determination. A copy of the appeal shall be furnished to each party.

(General Statutes 143-140, ~~153A-374 and 160A-434~~ and 160D-1127)

203.2.2 Appeals. Any person may appeal in writing an order, decision or determination of a code enforcement official pertaining to the code or any state building law. The appeal shall be addressed to the Chief Engineer for the Department of Insurance by filing written notice within 10 days after the order, decision or determination. The appeal shall contain the type and size of the building in question, the location of the building, and shall reference the code sections in question. The decision shall be in writing and shall set forth the facts found. The decision rendered shall be based on the technical provisions of the code, public health and safety and shall be construed liberally to those ends. A decision shall be binding on all parties unless an appeal is submitted to the Building Code Council as specified in Section 201.9.2. A copy of the appeal and written decision shall be furnished to each party.

(General Statutes ~~153A-374 and 160A-434~~ Statute 160D-1127)