



MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

November 28, 2017

Ron Jackson
Quality Built Advantage
335 Fields Drive
Aberdeen, NC 28315

**RE: NCGS 153A-352 (160A-412 similar) - Residential Inspections
2012 NC Residential Code, R201.4 – Terms Not Defined**

Mr. Jackson:

This letter is in response your request for Formal Interpretation dated 11/16/2017. I provided the same e-mail response to your e-mail request on 11/14/2017.

*1. Without prior approval of the North Carolina Building Code Council, does a city or county have the authority to adopt or enforce a local ordinance, resolution or any other policy requiring regular and routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings, where the inspections are in addition to the specific inspections required by the North Carolina Building Code: Administrative Code Policies, Section 107?
(My question does not pertain to inspections in unforeseen or unique circumstances that require immediate action under G.S. 153A-352 and G.S. 160A-412 or to those inspections under G.S. 153A-364 and G.S. 160A-424.)*

No. The Statute is copied below (in part) for your convenience.

§ 153A-352. Duties and responsibilities. (§ 160A-412 similar)

...

(b) Except as provided in G.S. 153A-364, a county may not adopt a local ordinance or resolution or any other policy that requires regular, routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings in addition to the specific inspections required by the North Carolina Building Code without first obtaining approval from the North Carolina Building Code Council. The North Carolina Building Code Council shall review all applications for additional inspections requested by a county and shall, in a reasonable manner, approve or disapprove the additional inspections. This subsection does not limit the authority of the county to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection visit. For each requested inspection, the inspector shall inform the permit holder of instances in which the work inspected is incomplete or otherwise fails to meet the requirements of the North Carolina Residential Code for One- and Two-Family Dwellings.

2. Additionally, what is the North Carolina Department of Insurance, Office of State Fire Marshall Engineering and Codes division interpretation of the meaning of "regular" and "routine" inspections under G.S. 153A-352 and G.S. 160A-412?

Terms not defined in the Codes have the ordinarily accepted meanings. R201.4 text and Merriam-Webster definitions are copied below for your convenience. An inspection that is done on an established, recurring basis.

R201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Definition of regular

- formed, built, arranged, or ordered according to some established rule, law, principle, or type
- orderly, methodical
- recurring, attending, or functioning at fixed, uniform, or normal intervals
- constituted, conducted, scheduled, or done in conformity with established or prescribed usages, rules, or discipline

Definition of routine

- regular course of procedure
- habitual or mechanical performance of an established procedure

Please contact us if you have comments or questions.

Sincerely,



Barry Gupton, PE
Chief Code Consultant

cc: File
Rodney Childress, Aberdeen
Cliff Isaac, NCDOI
Mike Page, NCDOI
Bill Kirk, NCDOI

Quality Built Advantage, Inc

335 Fields Drive, Aberdeen NC 28315
(910) 944-7453

November 16, 2017

Mr. Barry Gupton, PE
North Carolina Department of Insurance
Office of State Fire Marshal
Engineering & Codes
1202 Mail Service Center
Raleigh NC 27699-

Dear Mr. Gupton:

I am writing to request a formal letter of interpretation in accordance with NCAC, Section 203.2.1.2 (GS 143-140) concerning local government authority to require additional inspections not included in the North Carolina Building Code, specifically the North Carolina Administrative Code and Policies Section 107.

Please address the following specific questions

1. Without prior approval of the North Carolina Building Code Council, does a city or county have the authority to adopt or enforce a local ordinance, resolution or any other policy requiring regular and routine inspections of buildings or structures constructed in compliance with the North Carolina Residential Code for One- and Two-Family Dwellings, where the inspections are in addition to the specific inspections required by the North Carolina Building Code and the North Carolina Administrative Code Policies, Section 107? (My question does not pertain to inspections in unforeseen or unique circumstances that require immediate action under G.S. 153A-352 and G.S. 160A-412 or to those inspections under G.S. 153A-364 and G.S. 160A-424.)
2. Additionally, what is the North Carolina Department of Insurance, Office of State Fire Marshall Engineering and Codes division interpretation of the meaning of "regular" and "routine" inspections under G.S. 153A-352 and G.S. 160A-412?

If you have any questions feel free to contact me at 910-944-7453. I thank you in advance for your assistance in this matter.

Sincerely,



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