

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30304-MH-73

Short Title: 2019 Building Code Regulatory Reform. (Public)

Sponsors: Representatives Brody, Riddell, Hardister, and Richardson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES AND CLARIFICATIONS TO THE STATUTES
3 GOVERNING THE CREATION AND ENFORCEMENT OF BUILDING CODES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) G.S. 160A-413.5(a) reads as rewritten:

6 "(a) Notwithstanding the requirements of this Article, a city shall accept, without further
7 responsibility to inspect, a design or other proposal for a component or element in the
8 construction of buildings from a licensed architect or licensed engineer provided all of the
9 following apply:

- 10 (1) The design or other proposal is completed under valid seal of the licensed
11 architect or licensed engineer.
- 12 (2) Field inspection of the installation or completion of the component or element
13 of the building is performed by a licensed architect or licensed engineer or a
14 person under the direct supervisory control of the licensed architect or licensed
15 engineer.
- 16 (3) The licensed architect or licensed engineer provides the city with a signed
17 written document ~~stating~~ certifying that the component or element of the
18 building so inspected under subdivision (2) of this subsection is in compliance
19 with the North Carolina State Building Code or the North Carolina Residential
20 Code for One- and Two-Family Dwellings. The inspection certification
21 required under this subdivision shall be made on a form created by the North
22 Carolina Building Code Council which shall include the permit number, date
23 of inspection, type of inspection, contractor's name, the job location and street
24 address, and the name, address, and telephone number of the person
25 responsible for the inspection. The inspection certification form shall be
26 provided by electronic or physical delivery and its receipt shall be promptly
27 acknowledged by the city through reciprocal means. The city shall not require
28 information in addition to that specified in this subsection."

29 SECTION 1.(b) G.S. 160A-413.5(d)(1) reads as rewritten:

- 30 "(1) Component. – Any assembly, subassembly, or combination of elements
31 designed to be combined with other components to form part of a building or
32 structure. Examples of a component include (i) an excavated footing trench
33 containing no ~~concrete~~ concrete, (ii) a foundation, and (iii) underslab
34 materials and equipment."

35 SECTION 2. G.S. 143-151.13(b) reads as rewritten:



1 "(b) The Board shall issue one or more standard certificates to each Code-enforcement
2 official demonstrating the qualifications set forth in subsection (b1) of this section. Standard
3 certificates are available for each of the following types of qualified Code-enforcement officials:

- 4 (1) Building inspector.
- 5 (2) Electrical inspector.
- 6 (3) Mechanical inspector.
- 7 (4) Plumbing inspector.
- 8 (5) Fire inspector.
- 9 (6) Residential changeout inspector."

10 **SECTION 3.(a)** G.S. 160A-372 is amended by adding two new subsections to read:

11 "(f1) The ordinance may not require a developer or builder to bury power lines that (i)
12 existed at the time of first submission of a plat or development plan to the city, whether or not
13 the power lines are subsequently relocated during construction of the subdivision or development
14 plan and (ii) are located outside the boundaries of the parcel of land that contains the subdivision
15 or the property covered by the development plan.

16 (f2) The ordinance may not set a minimum square footage of any structures subject to
17 regulation under the North Carolina Residential Code for One- and Two-Family Dwellings."

18 **SECTION 3.(b)** G.S. 160A-381(a) reads as rewritten:

19 "(a) For the purpose of promoting health, safety, morals, or the general welfare of the
20 community, any city may adopt zoning and development regulation ordinances. These
21 ordinances may be adopted as part of a unified development ordinance or as a separate ordinance.
22 A zoning ordinance may regulate and restrict the height, number of stories and size of buildings
23 and other ~~structures, structures~~ except as limited by G.S. 160A-372(f2), the percentage of lots
24 that may be occupied, the size of yards, courts and other open spaces, the density of population,
25 the location and use of buildings, structures and land. The ordinance shall provide density credits
26 or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or
27 G.S. 136-66.11."

28 **SECTION 3.(c)** G.S. 153A-331 is amended by adding two new subdivisions to read:

29 "(f1) The ordinance may not require a developer or builder to bury power lines that (i)
30 existed at the time of first submission of a plat or development plan to the county, whether or not
31 the power lines are subsequently relocated during construction of the subdivision or development
32 plan and (ii) are located outside the parcel of land that contains the subdivision or the property
33 covered by the development plan.

34 (f2) The ordinance may not set a minimum square footage of any structures subject to
35 regulation under the North Carolina Residential Code for One- and Two-Family Dwellings."

36 **SECTION 3.(d)** G.S. 153A-340(a) reads as rewritten:

37 "(a) For the purpose of promoting health, safety, morals, or the general welfare, a county
38 may adopt zoning and development regulation ordinances. These ordinances may be adopted as
39 part of a unified development ordinance or as a separate ordinance. A zoning ordinance may
40 regulate and restrict the height, number of stories and size of buildings and other ~~structures,~~
41 structures except as limited by G.S. 153A-331(f2), the percentage of lots that may be occupied,
42 the size of yards, courts and other open spaces, the density of population, and the location and
43 use of buildings, structures, and land for trade, industry, residence, or other purposes. The
44 ordinance may provide density credits or severable development rights for dedicated
45 rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11."

46 **SECTION 3.(e)** This section is effective when it becomes law and applies to existing
47 municipal or county ordinances. Any municipal or county ordinance inconsistent with this
48 section is void and unenforceable.

49 **SECTION 4.** G.S. 143-138 is amended by adding a new subsection to read:

50 "(b20) Exclusion for Temporary Motion Picture, Television, and Theater Stage Sets and
51 Scenery. – No permit shall be required under the Building Code or any local variant approved

1 under subsection (e) for any construction, installation, repair, replacement, or alteration of
2 temporary motion picture, television, and theater stage sets and scenery."

3 **SECTION 5.** G.S. 143-138 reads as rewritten:

4 "**§ 143-138. North Carolina State Building Code.**

5 (a) Preparation and Adoption. – The Building Code Council may prepare and adopt, in
6 accordance with the provisions of this Article, a North Carolina State Building Code. Before the
7 adoption of the Code, or any part of the Code, the Council shall hold at least one public hearing.
8 A notice of the public hearing shall be published in the North Carolina Register at least 15 days
9 before the date of the hearing. Notwithstanding G.S. 150B-2(8a)h., the North Carolina State
10 Building Code as adopted by the Building Code Council is a rule within the meaning of
11 G.S. 150B-2(8a) and shall be adopted in accordance with the procedural requirements of Article
12 2A of Chapter 150B of the General Statutes.

13 (a1) Additional Adoption Requirements. –

14 (1) The Council shall request the Office of State Budget and Management to
15 prepare a fiscal note for a proposed Code change that has a substantial
16 economic impact, as defined in G.S. 150B-21.4(b1), or that increases the cost
17 of residential housing by eighty dollars (\$80.00) or more per housing unit. The
18 change can become effective only in accordance with G.S. 143-138(d).
19 Neither the Department of Insurance nor the Council shall be required to
20 expend any monies to pay for the preparation of any fiscal note under this
21 section by any person outside of the Department or Council unless the
22 Department or Council contracts with a third-party vendor to prepare the fiscal
23 note.

24 (2) The Council shall conduct a cost-benefit analysis for all proposed changes to
25 the North Carolina Energy Conservation Code. The analysis shall be based on
26 a five-year period for calculating return on investment of the proposed change
27 as well as impacts of the proposed change on the energy efficiency of the
28 entire structure.

29"

30 **SECTION 6.** The North Carolina Building Code Council shall study options for the
31 use by builders of demolition debris such as dirt, sand, gravel, rock, concrete, or similar
32 nonhazardous material for additional uses at the site of construction, including fill under porches,
33 driveways, and other options that will decrease the volume of demolition debris sent to solid
34 waste disposal facilities. The Council shall report its findings and recommendations, including
35 any proposed legislative changes, to the 2020 Regular Session of the 2019 General Assembly
36 when it convenes.

37 **SECTION 7.(a)** G.S. 160A-423 reads as rewritten:

38 "**§ 160A-423. Certificates of compliance.**

39 At the conclusion of all work done under a permit, the appropriate inspector shall make a
40 final inspection, and if he finds that the completed work complies with all applicable State and
41 local laws and with the terms of the permit, he shall issue a certificate of compliance. No new
42 building or part thereof may be occupied, and no addition or enlargement of an existing building
43 may be occupied, and no existing building that has been altered or moved may be occupied, until
44 the inspection department has issued a certificate of compliance. Except as provided in
45 G.S. 160A-420, a city may not adopt or enforce a local ordinance or resolution or any other policy
46 that requires compliance with any conditions or requirements other than those required by the
47 North Carolina Building Code for a temporary certificate of compliance. A temporary certificate
48 of compliance may be issued permitting occupancy for a stated period of specified portions of
49 the building that the inspector finds may safely be occupied prior to final completion of the entire
50 building. Violation of this section shall constitute a Class 1 misdemeanor."

51 **SECTION 7.(b)** G.S. 153A-363 reads as rewritten:

1 **"§ 153A-363. Certificates of compliance.**

2 At the conclusion of all work done under a permit, the appropriate inspector shall make a
3 final inspection. If he finds that the completed work complies with all applicable State and local
4 laws and local ordinances and regulations and with the terms of the permit, he shall issue a
5 certificate of compliance. No new building or part thereof may be occupied, no addition or
6 enlargement of an existing building may be occupied, and no existing building that has been
7 altered or removed may be occupied until the inspection department has issued a certificate of
8 compliance. Except as provided in G.S. 153A-364, a county may not adopt or enforce a local
9 ordinance or resolution or any other policy that requires compliance with any conditions or
10 requirements other than those required by the North Carolina Building Code for a temporary
11 certificate of compliance. A temporary certificate of compliance may be issued permitting
12 occupancy for a stated period of specified portions of the building that the inspector finds may
13 safely be occupied before completion of the entire building. Violation of this section constitutes
14 a Class 1 misdemeanor."

15 **SECTION 8.** G.S. 87-13 reads as rewritten:

16 **"§ 87-13. Unauthorized practice of contracting; impersonating contractor; false certificate;**
17 **giving false evidence to Board; penalties.**

18 Any person, firm, or corporation not being duly authorized who shall contract for or bid upon
19 the construction of any of the projects or works enumerated in G.S. 87-1, without having first
20 complied with the provisions hereof, or who shall attempt to practice general contracting in the
21 State, except as provided for in this Article, and any person, firm, or corporation presenting or
22 attempting to file as his own the licensed certificate of another or who shall give false or forged
23 evidence of any kind to the Board or to any member thereof in maintaining a certificate of license
24 or who falsely shall impersonate another or who shall use an expired or revoked certificate of
25 license, or who falsely claims or suggests in connection with any business activities regulated by
26 the Board that a person, firm, or corporation is licensed under this Chapter, and any architect or
27 engineer who recommends to any project owner the award of a contract to anyone not properly
28 licensed under this Article, shall be deemed guilty of a Class 2 misdemeanor. And the Board
29 may, in its discretion, use its funds to defray the expense, legal or otherwise, in the prosecution
30 of any violations of this Article. No architect or engineer shall be guilty of a violation of this
31 section if his recommendation to award a contract is made in reliance upon current written
32 information received by him from the appropriate Contractor Licensing Board of this State which
33 information erroneously indicates that the contractor being recommended for contract award is
34 properly licensed."

35 **SECTION 9.(a)** G.S. 160A-417(a1) reads as rewritten:

36 "(a) A permit shall be in writing and shall contain a provision that the work done shall
37 comply with the State Building Code and all other applicable State and local laws. Nothing in
38 this section shall require a city to review and approve residential building plans submitted to the
39 city pursuant to Section R-110 of Volume VII of the North Carolina State Building Code;
40 provided that the city may review and approve such residential building plans as it deems
41 necessary. If a city chooses to review residential building plans, all reviews must be performed
42 within two business days of submission of the plans, for plans sealed by an engineer or architect,
43 or within five business days, for all other residential building plans. No permits shall be issued
44 unless the plans and specifications are identified by the name and address of the author thereof,
45 and if the General Statutes of North Carolina require that plans for certain types of work be
46 prepared only by a licensed architect or licensed engineer, no permit shall be issued unless the
47 plans and specifications bear the North Carolina seal of a licensed architect or of a licensed
48 engineer. When any provision of the General Statutes of North Carolina or of any ordinance
49 requires that work be done by a licensed specialty contractor of any kind, no permit for the work
50 shall be issued unless the work is to be performed by such a duly licensed contractor."

51 **SECTION 9.(b)** G.S. 153A-357(a1) reads as rewritten:

"(a1) A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws and local ordinances and regulations. Nothing in this section shall require a county to review and approve residential building plans submitted to the county pursuant to Section R-110 of Volume VII of the North Carolina State Building Code; provided that the county may review and approve such residential building plans as it deems necessary. If a county chooses to review residential building plans, all reviews must be performed within two business days of submission of the plans, for plans sealed by an engineer or architect, or within five business days, for all other residential building plans. No permit may be issued unless the plans and specifications are identified by the name and address of the author thereof; and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no permit may be issued unless the plans and specifications bear the North Carolina seal of a licensed architect or of a licensed engineer. If a provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work may be issued unless the work is to be performed by such a duly licensed contractor."

SECTION 10. G.S. 83A-13 reads as rewritten:

"§ 83A-13. Exemptions.

...

(c) Nothing in this Chapter shall be construed to require an architectural license for the preparation, sale, or furnishing of plans, specifications and related data, or for the supervision of construction pursuant thereto, where the building, buildings, or project involved is in ~~one~~ any of the following categories:

- (1) A family residence, up to eight units attached with grade level exit, which is not a part of or physically connected with any other buildings or residential ~~units;units.~~
- (2) A building upon any farm for the use of any farmer, unless the building is of such nature and intended for such use as to substantially involve the health or safety of the ~~public;public.~~
- (3) An institutional or commercial building if it does not have a total value exceeding ~~ninety thousand dollars (\$90,000);two hundred thousand dollars (\$200,000).~~
- (4) An institutional or commercial building if the total building area does not exceed ~~2,500~~ 5,000 square feet in gross floor ~~area;area.~~
- (5) Alteration, remodeling, or renovation of an existing building that is exempt under this section, or alteration, remodeling, or renovation of an existing building or building site that does not alter or affect the structural system of the building; change the building's access or exit pattern; or change the live or dead load on the building's structural system. This subdivision shall not limit or change any other exemptions to this Chapter or to the practice of engineering under Chapter 89C of the General ~~Statutes;Statutes.~~
- (6) The preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions utilized to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements or exemptions of this Chapter.

(c1) ~~Notwithstanding subdivisions (c)(3) and (4) of this section, a~~ A commercial building project with a total value of less than ~~ninety thousand dollars (\$90,000)~~ two hundred thousand dollars (\$200,000) and a total project area of less than ~~2,500~~ 5,000 square feet shall be exempt from the requirement for a professional architectural seal.

...."

SECTION 11. Section 6(c) of S.L. 2018-29 reads as rewritten:

1 "SECTION 6.(c) This section becomes effective July 1, 2018. G.S. 153A-352(g) and
2 G.S. 160A-412(g), as enacted by this section, expire on October 1, ~~2019~~.2021."

3 **SECTION 12.** G.S. 143-355.4(a) reads as rewritten:

4 "(a) Local government water systems and large community water systems shall require
5 separate meters for new in-ground irrigation systems on lots platted and recorded in the office of
6 the register of deeds in the county or counties in which the real property is located after July 1,
7 2009, that are connected to their systems. If a testable backflow device is required as part of the
8 separate meter required by this subsection, the property owner shall select and install a testable
9 backflow prevention device that meets the requirements of the North Carolina Plumbing Code
10 for the appropriate level of risk or other identified risk associated with the irrigation system. This
11 section shall not apply to lots with privately owned septic tanks systems or other types of
12 privately owned innovative on-site wastewater systems if a lockable cutoff valve approved by
13 the water system and a testable backflow prevention device ~~approved by the water system~~
14 selected and installed by the property owner and meeting the requirements of the North Carolina
15 Plumbing Code for the appropriate level of risk associated with the irrigation system or other
16 identified risk are installed on the water supply line for the irrigation system. The lockable cutoff
17 value shall be installed on the water supply line for the irrigation system within 24 inches of the
18 water meter and the testable backflow device shall be installed on the water supply line for the
19 irrigation system."

20 **SECTION 13.** Except as otherwise provided, this act becomes effective October 1,
21 2019.