

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 120*
Committee Substitute Favorable 3/6/13

Short Title: Blding Codes: Local Consistency/Exempt Cable.

(Public)

Sponsors:

Referred to:

February 20, 2013

A BILL TO BE ENTITLED

AN ACT TO REQUIRE APPROVAL FROM THE NORTH CAROLINA BUILDING CODE COUNCIL BEFORE A UNIT OF LOCAL GOVERNMENT MAY REQUIRE BUILDING INSPECTIONS IN ADDITION TO THOSE REQUIRED BY THE BUILDING CODE; TO SPECIFY THE FREQUENCY AND EFFECTIVE DATES OF CODE UPDATES; AND TO EXEMPT CABLE TELEVISION EQUIPMENT INSTALLATION FROM BUILDING CODE REQUIREMENTS.

The General Assembly of North Carolina enacts:

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

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

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

(b) A county may not require regular, routine inspections of buildings or structures constructed pursuant to 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 timely 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."

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

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

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



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 In adopting any amendment, the Council shall comply with the same procedural requirements
24 and the same standards set forth above for adoption of the Code. The Council shall publish in
25 the North Carolina Register and shall post on the Council's Web site North Carolina specific
26 commentaries providing explanatory material on the Council's amendments to the Code no later
27 than the effective date of the six-year revisions described in this subsection. All Code
28 interpretations made by staff of the Department in writing or through electronic mail and all
29 appeal decisions made by the Council shall be published in the North Carolina Register at least
30 semiannually and shall also be posted on the Council's Web site within two business days of
31 issuance."

32 **SECTION 3.** G.S. 143-138(b8) reads as rewritten:

33 "(b8) Nothing in this Article shall extend to or be construed as being applicable to the
34 regulation of the design, construction, location, installation, or operation of (1) equipment for
35 storing, handling, transporting, and utilizing liquefied petroleum gases for fuel purposes or
36 anhydrous ammonia or other liquid fertilizers, except for liquefied petroleum gas from the
37 outlet of the first stage pressure regulator to and including each liquefied petroleum gas
38 utilization device within a building or structure covered by the Code, or (2) equipment or
39 facilities, other than buildings, of a public utility, as defined in G.S. 62-3, a cable television
40 company, or an electric or telephone membership corporation, including without limitation
41 poles, towers, and other structures supporting ~~electric~~ electric, cable television, or
42 communication lines."

43 **SECTION 4.** If any provision of this act or its application is held invalid, the
44 invalidity does not affect other provisions or applications of this act that can be given effect
45 without the invalid provisions or application, and to this end the provisions of this act are
46 severable.

47 **SECTION 5.** This act becomes effective July 1, 2013.