

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1065
SENATE BILL 693

1 AN ACT REPEALING OBSOLETE MUNICIPAL BUILDING LAWS AND AUTHORIZING
2 THE CREATION OF MUNICIPAL INSPECTION DEPARTMENTS.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** Article 11 of Chapter 160 of the General Statutes is hereby rewritten as
7 follows:

8 "Article 11
9 "Regulation of Buildings.

10 **"G.S. 160-115. Inspection Department.** The governing board of every city and town in the
11 State is hereby authorized to create an Inspection Department, and shall appoint one or more
12 inspectors who may be given the titles of Building Inspector, Electrical Inspector, Plumbing
13 Inspector, Housing Inspector, Zoning Inspector, Heating and Air Conditioning Inspector, Fire
14 Prevention Inspector, or Deputy or Assistant Inspector, or such other titles as may be generally
15 descriptive of the duties assigned. Such Department may be headed by a Superintendent or
16 Director of Inspections.

17 **"G.S. 160-116. Duties and Responsibilities.** The duties and responsibilities of any such
18 Inspection Department and of the inspectors therein shall be to enforce within their territorial
19 jurisdiction such state and local laws relating to (a) the construction of buildings and other
20 structures; (b) the installation of such facilities as plumbing systems, electrical systems, heating
21 systems, refrigeration systems, and air conditioning systems; (c) the maintenance of buildings
22 and other structures in a safe, sanitary, and healthful condition; and (d) other matters, as may be
23 specified by the local governing board. Such duties shall include the receipt of applications for
24 permits and the issuance or denial of permits, the making of any necessary inspections, the
25 issuance or denial of certificates of compliance, the issuance of orders to correct violations, the
26 bringing of judicial actions against actual or threatened violations, the keeping of adequate
27 records, and such other actions as may be required in order adequately to enforce those laws.
28 The municipal governing body shall have the authority to enact such reasonable and
29 appropriate provisions governing the enforcement of such laws, not inconsistent with law, as it
30 may deem necessary.

31 **"G.S. 160-117. Territorial Jurisdiction.** Unless otherwise specified by law, the territorial
32 jurisdiction within which a municipal Inspection Department may enforce the State Building
33 Code (including plumbing, heating, refrigeration, and electrical regulations), a fire prevention
34 code, and any minimum housing standards ordinance adopted pursuant to Article 15 of this
35 Chapter shall be the area within the municipal limits.

36 **"G.S. 160-118. Joint Inspection Department; Other Arrangements.** A municipal governing
37 board may enter into and carry out contracts with (a) any other municipality or municipalities,
38 (b) any county or counties, or (c) any combination of municipalities and counties, under which
39 the parties agree to create and support a joint Inspection Department for the enforcement of
40 such state and local laws as may be specified in the agreement. The governing boards of the
41 units which are parties to the agreement shall be authorized to make any necessary
42 appropriations for such a purpose.

1 In lieu of a joint Inspection Department, a municipal governing board may designate an
2 inspector from any other municipality or county to serve as a member of its Inspection
3 Department, with the approval of the governing body of said municipality or county. Such
4 inspector shall, while exercising the duties of such position, be considered a municipal
5 employee.

6 The governing board of any municipality may request that the board of county
7 commissioners of the county in which the municipality is located direct one or more county
8 building inspectors to exercise their powers within part or all of the municipality's jurisdiction,
9 and they shall thereupon be empowered to do so until such time as the municipal governing
10 board officially withdraws its request.

11 Where a county is not exercising its authority to enforce building, electrical, and plumbing
12 regulations within an area which is regulated by a municipality's validly-enacted zoning
13 ordinance, the governing board of the municipality may request in writing prior to April 1 of
14 any fiscal year that the county initiate such enforcement no later than the beginning of the next
15 fiscal year. If the county declines in writing to exercise such powers or if it fails to initiate
16 enforcement by the beginning of the next fiscal year, the municipality shall thereupon be
17 empowered to enforce all such regulations within said area.

18 **"G.S. 160-119. Financial Support.** The governing board of the municipality may appropriate
19 for the support of the Inspection Department such funds as it deems necessary. It may provide
20 for paying inspectors fixed salaries or it may in lieu thereof reimburse them for their services
21 by paying over part or all of any fees collected. It shall have power to fix such reasonable fees
22 for issuance of permits, inspections, and other services of the Inspection Department as it
23 deems necessary.

24 **"G.S. 160-120. Conflicts of Interest.** No member of an Inspection Department shall be
25 financially interested in the furnishing of labor, material, or appliances for the construction,
26 alteration, or maintenance of any building or any part or system thereof, or in the making of
27 plans or specifications therefor, unless he is the owner of such building. No member of an
28 Inspection Department shall engage in any work which is inconsistent with his duties or with
29 the interests of the municipality.

30 **"G.S. 160-121. Failure to Perform Duties.** If any member of an Inspection Department shall
31 willfully fail to perform the duties required of him by law, or willfully shall improperly issue a
32 permit, or shall give a certificate of compliance without first making the inspections required
33 by law, or willfully shall improperly give a certificate of compliance, he shall be guilty of a
34 misdemeanor.

35 **"G.S. 160-122. Permits.** No person shall commence or proceed with (a) the construction,
36 reconstruction, alteration, repair, removal, or demolition of any building or structure, (b) the
37 installation, extension, or general repair of any plumbing system, (c) the installation, extension,
38 alteration, or general repair of any heating or cooling equipment system, or (d) the installation,
39 extension, alteration, or general repair of any electrical wiring, devices, appliances, or
40 equipment, without first securing from the Inspection Department with jurisdiction over the site
41 of the work any and all permits required by the State Building Code and any other state or local
42 laws applicable to such work. Any permit shall be in writing and shall contain a provision that
43 the work done shall comply with the State Building Code and all other applicable state and
44 local laws. No permits shall be issued unless the plans and specifications are identified by the
45 name and address of the author thereof, and where the General Statutes of North Carolina
46 require that plans for certain types of work be prepared only by a registered architect or
47 registered engineer, no permit shall be issued unless such plans and specifications bear the
48 North Carolina seal of a registered architect or of a registered engineer. Where any provision of
49 the General Statutes of North Carolina or of any ordinance requires that work be done by a
50 licensed specialty contractor of any kind, no permit for such work shall be issued unless it is to
51 be performed by such a duly licensed contractor.

1 **"G.S. 160-123. Time Limitations on Validity of Permits.** Any permit issued pursuant to Sec.
2 160-122 shall expire by limitation six months, or such lesser time as may be fixed by ordinance
3 of the local governing board, after the date of issuance if the work authorized by the permit has
4 not been commenced. If after commencement the work is discontinued for a period of 12
5 months, the permit therefor shall immediately expire. No work authorized by any permit which
6 has expired shall thereafter be performed until a new permit therefor has been secured.

7 **"G.S. 160-124. Changes in Work.** After a permit has been issued, no changes or deviations
8 from the terms of the application, plans and specifications, or the permit, except where such
9 changes or deviations are clearly permissible under the State Building Code, shall be made
10 until specific written approval of such changes or deviations has been obtained from the
11 Inspection Department.

12 **"G.S. 160-125. Inspections of Work in Progress.** As the work pursuant to a permit
13 progresses, local inspectors shall make as many inspections thereof as may be necessary to
14 satisfy them that the work is being done according to the provisions of any applicable state and
15 local laws and of the terms of the permit. In exercising this power members of the Inspection
16 Department shall have a right to enter on any premises within the jurisdiction of the
17 Department at all reasonable hours for the purposes of inspection or other enforcement action,
18 upon presentation of proper credentials.

19 **"G.S. 160-126. Stop Orders.** Whenever any building or structure or part thereof is being
20 demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in
21 substantial violation of any state or local building law, or in such manner as to endanger life or
22 property, the appropriate inspector may order the specific part of such work which is in
23 violation or presents such a hazard to be immediately stopped. Such order shall be in writing to
24 the person doing the work, and shall state the specific work to be stopped, the specific reasons
25 therefor, and the conditions under which the work may be resumed. The owner or builder may
26 appeal from such order to the North Carolina Commissioner of Insurance within a period of
27 five days after such order is issued. Notice of such appeal shall be given in writing to the
28 Insurance Commissioner, with a copy to the local inspector. The Insurance Commissioner shall
29 promptly conduct a hearing at which the appellant and the inspector shall be permitted to
30 submit relevant evidence, and he shall rule on such appeal as expeditiously as possible. Pending
31 the ruling by the Insurance Commissioner on said appeal no further work shall take place in
32 violation of said order. Violation of a stop order shall constitute a misdemeanor.

33 **"G.S. 160-127. Revocation of Permits.** The appropriate Inspector may revoke and require the
34 return of any permit by notifying the permit holder in writing stating the reason for such
35 revocation. Permits shall be revoked for any substantial departure from the approved
36 application, plans, or specifications; for refusal or failure to comply with proper orders of the
37 inspector; for refusal or failure to comply with the requirements of any applicable state or local
38 laws; or for false statements or misrepresentations made in securing such permit. Any permit
39 mistakenly issued in violation of an applicable state or local law may also be revoked.

40 **"G.S. 160-128. Certificates of Compliance.** At the conclusion of all work done under a
41 permit, the appropriate inspector shall make a final inspection, and if he finds that the
42 completed work complies with all applicable state and local laws and with the terms of the
43 permit, he shall issue a certificate of compliance. No new building or part thereof shall be
44 occupied, and no addition or enlargement of any existing building shall be occupied, and no
45 existing building after being altered or moved shall be occupied, until the Inspection
46 Department has issued such a certificate; provided, however, that a temporary certificate of
47 compliance may be issued permitting occupancy for a stated period of specified portions of the
48 building which the inspector finds may safely be occupied prior to final completion of the
49 entire building.

50 **"G.S. 160-129. Periodic Inspections.** The Inspection Department shall make such periodic
51 inspections as the governing board shall direct, by ordinance or otherwise, for unsafe,

1 insanitary, or otherwise hazardous and unlawful conditions in structures within their territorial
2 jurisdiction. In addition, it shall make such other inspections as may be required when it has
3 reason to believe that such conditions may exist in a particular structure. In exercising this
4 power, members of the Department shall have a right to enter on any premises within the
5 jurisdiction of the Department at all reasonable hours for the purposes of inspection or other
6 enforcement action, upon presentation of proper credentials.

7 **"G.S. 160-130. Defects in Buildings to be Corrected.** Whenever a local inspector finds any
8 defects in a building, or finds that said building has not been constructed in accordance with the
9 applicable state and local laws, or that a building because of its condition is dangerous or
10 contains fire hazardous conditions, it shall be his duty to notify the owner or occupant of the
11 building of its defects, hazardous conditions, or failure to comply with law. The owner or the
12 owner of the contents shall immediately remedy such defects, hazardous conditions, or
13 violations of law in the property he owns.

14 **"G.S. 160-131. Unsafe Buildings Condemned.** Every building which shall appear to the
15 inspector to be especially dangerous to life because of its liability to fire or because of bad
16 condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating
17 system, inadequate means of egress, or other causes, shall be held to be unsafe, and the
18 inspector shall affix a notice of the dangerous character of the structure to a conspicuous place
19 on the exterior wall of said building.

20 **"G.S. 160-132. Removing Notice from Condemned Building.** If any person shall remove
21 any notice which has been affixed to any building or structure by a local inspector of any
22 municipality, which notice shall state the dangerous character of the building or structure, he
23 shall be guilty of a misdemeanor.

24 **"G.S. 160-133. Action in Event of Failure to Take Corrective Action.** If the owner of a
25 building or structure which has been condemned as unsafe pursuant to Sec. 160-131 shall fail
26 promptly to take corrective action, the local inspector shall give such owner written notice, by
27 certified or registered mail to the last known address of the owner or by personal service, (a)
28 that said building or structure is in such a condition as appears to constitute a fire or safety
29 hazard or to be dangerous to life, health, or other property; (b) that a hearing will be held before
30 the inspector at a designated place and time, which time shall be not less than ten days after the
31 date of such notice, at which hearing the owner shall be entitled to be heard in person or by
32 counsel and to present arguments and evidence pertaining to the matter; and (c) that following
33 the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building
34 or structure as appears appropriate. If the name or whereabouts of the owner cannot after due
35 diligence be discovered, such notice shall be considered properly and adequately served if a
36 copy thereof is posted on the outside of the building or structure in question at least ten days
37 prior to the hearing and a notice of the hearing published in a newspaper having general
38 circulation in the municipality at least once and at least one week prior to the hearing.

39 **"G.S. 160-134. Order to Take Corrective Action.** If, upon a hearing held pursuant to the
40 notice prescribed in Sec. 160-133, the inspector shall find that the building or structure is in
41 such a condition as to constitute a fire or safety hazard or to be dangerous to life, health, or
42 other property, he shall make an order in writing, directed to the owner of such building or
43 structure, requiring the owner to remedy such conditions by repairing, closing, vacating, or
44 demolishing the building or structure or taking such other steps as may be necessary, within
45 such period, not less than sixty days, as the inspector may prescribe.

46 **"G.S. 160-135. Appeal; Finality of Order if not Appealed.** Any owner who has received an
47 order under Sec. 160-134 shall have a right of appeal from such order to the municipal
48 governing board, provided notice of such appeal is given in writing to the inspector and to the
49 municipal clerk, as agent of the governing board, within ten days following issuance of the
50 order. In the absence of such an appeal, the order of the inspector shall be final. The governing

board shall, on receipt of an appeal, hear the same within a reasonable time and take such action to affirm, modify and affirm, or revoke the order as it deems reasonable and proper.

"G.S. 160-136. Failure to comply with Order. If the owner of a building or structure fails to comply with an order issued pursuant to Sec. 160-134 from which no appeal has been taken, or fails to comply with an order of the municipal governing board following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

"G.S. 160-137. Equitable Enforcement. Whenever any violation is denominated a misdemeanor under the provisions of this Article, the proper local authorities of the municipality, either in addition to or in lieu of other remedies may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate such action or violation or to prevent the occupancy of the building or structure involved.

"G.S. 160-138. Records and Reports. The Inspection Department shall keep complete, permanent, and accurate records in convenient form of all applications received, permits issued, inspections and reinspections made, defects found, certificates of compliance granted, and all other work and activities of said department. Periodic reports shall be submitted to the local governing body and to the Commissioner of Insurance as they shall by ordinance, rule, or regulation require.

"G.S. 160-139. Appeals in General. Unless otherwise specified by law, appeals from any order, decision, or determination by a member of a local Inspection Department pertaining to the State Building Code or other state building laws shall be taken to the Commissioner of Insurance or other official specified in Sec. 143-139, by filing a written notice with him and with the Inspection Department within a period of ten days after such order, decision, or determination. Further appeals may be taken to the State Building Code Council or to the courts as provided by law.

"G.S. 160-140. Establishment of Fire Limits. The governing body of every incorporated city or town shall pass one or more ordinances establishing and denning fire limits, which shall include the principal business portions of said city or town and which shall be known as primary fire limits. In addition, such governing body may, in its discretion, establish and define one or more separate areas within the municipality as secondary fire limits.

"G.S. 160-141. Restrictions within Primary Fire Limits. Within the primary fire limits of any city or town, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall hereafter be erected, altered, repaired, or moved (either into such limits or from one place to another within the limits), except upon the permit of the local Inspection Department approved by the Insurance Commissioner. The local governing body may make such additional regulations as it shall deem necessary for the prevention, extinguishment, or mitigation of fires within such limits.

"G.S. 160-142. Restrictions within Secondary Fire Limits. Within any secondary fire limits of any city or town, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved except in accordance with such rules and regulations as the local governing body shall establish by ordinance for such areas.

"G.S. 160-143. Failure to Establish Primary Fire Limits. If the aldermen or commissioners of any city or town shall fail or refuse to establish and define the primary fire limits of such city or town as required by law, after having such failure or refusal called to their attention in writing by the State Commissioner of Insurance, the Commissioner shall have power to establish such limits upon making a determination that they are necessary and in the public interest."

Sec. 2. Section 160-184 is amended by inserting the words "and enforce" between the word "adopt" and the word "ordinances" in line 4, and by inserting immediately after the words "such municipality" in line 5 of said Section the words "and any extraterritorial areas

regulated by the municipality's zoning ordinance pursuant to Article 14 of this Chapter or any special or local Act enacted by the General Assembly."

Sec. 3. Sections 160-236 and 160-237 are repealed, and the following new Sections are substituted therefor: "G.S. 160-236. Fire Chief. "The governing body may elect a chief of the fire department, fix his term of office, prescribe his duties and obligations, and fix his compensation.

"G S. 160-237. Duties of Fire Chief. Where not otherwise prescribed, the duties of the fire chief shall be to preserve and care for fire apparatus, have charge of the fighting and extinguishing of fires, have charge of the training of the fire department, seek out and have corrected all places and conditions dangerous to the safety of the municipality and its citizens from fire, and to make annual reports to the governing body concerning such duties."

Sec. 4. Should any Section, clause, or provision of this Act be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Act as a whole nor any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 5. The powers granted by this Act are intended to supplement and be in addition to any existing powers of municipalities. Subject to this overriding intention, all laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1969.