

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 308
Agriculture, Energy, and Environment Committee Substitute Adopted 3/30/21
Third Edition Engrossed 4/1/21
PROPOSED HOUSE COMMITTEE SUBSTITUTE S308-CSBG-25 [v.4]

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Short Title: Various Building Code Amend.

(Public)

Sponsors:

Referred to:

March 17, 2021

A BILL TO BE ENTITLED
AN ACT TO PREVENT DELAY IN THE ISSUANCE OF TEMPORARY CERTIFICATES
OF OCCUPANCY, TO CLARIFY ELECTRIC WIRING REQUIREMENT REFERENCES,
AND TO MODIFY ONE- OR TWO- FAMILY DWELLING RESIDENTIAL
DEVELOPMENT FIRE APPARATUS ACCESS ROAD REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 160D-1104(d), as amended by Section 12.5(b) of S.L. 2021-117, and Section 4(a) of S.L. 2021-121, reads as rewritten:

"(d) Except as provided in G.S. 160D-1117 and G.S. 160D-1207, a local government may not adopt or enforce 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 local government and shall, in a reasonable manner, approve or disapprove the additional inspections. This subsection does not limit the authority of the local government to require inspections upon unforeseen or unique circumstances that require immediate action. In performing the specific inspections required by the North Carolina Residential Building Code, the inspector shall conduct all inspections requested by the permit holder for each scheduled inspection. 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 or the North Carolina Building Code. When a subsequent inspection is conducted to verify completion or correction of instances of Code noncompliance, any additional violations of the Code noted by the inspector on items already approved by the inspections department ~~may~~ shall not delay the issuance of a temporary certificate of occupancy, ~~but and~~ the inspections department shall not charge a fee for reinspection of those items."

SECTION 1.(b) This section becomes effective January 1, 2022, and applies to inspections associated with permits applied for on or after that date.

SECTION 2. G.S. 143-143.2 reads as rewritten:

"§ 143-143.2. Electric wiring of houses, buildings, and structures.

(a) The electric wiring of houses or buildings for lighting or for other purposes shall conform to the requirements of the State Building Code, ~~which includes the National Electric~~



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~~Code and any amendments and supplements thereto as adopted and approved by the State Building Code Council, Code and any other applicable State and local laws.~~

(b) In order to protect the property of citizens from the dangers incident to defective electric wiring of buildings, it shall be unlawful for any firm or corporation to allow any electric current for use in any newly erected building to be turned on without first having had an inspection made of the wiring by the appropriate official electrical inspector or inspection department and having received from that inspector or department a certificate approving the wiring of such building. It shall be unlawful for any person, firm, or corporation engaged in the business of selling electricity to furnish initially any electric current for use in any building, unless said building shall have first been inspected by the appropriate official electrical inspector or inspection department and a certificate given as ~~above provided.~~ as required by this subsection.

(c) In the event that there is no legally appointed inspector or inspection department with jurisdiction over the property involved, ~~the two preceding sentences~~ subsections (a) and (b) of this section shall have no force or effect.

(d) As used in this section, "building" includes any structure."

SECTION 3.(a) Definitions. – As used in this section, "Council" means the North Carolina Building Code Council, and "Code" means the current North Carolina Building Code collection, and amendments to the Code, as adopted by the Council.

SECTION 3.(b) Code Amendment. – Until the effective date of the Code amendment that the Council is required to adopt pursuant to this section, the Council, Code enforcement official, or fire code official, enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to Sections D107.1 and D107.2 of the 2018 North Carolina Fire Code and other provisions that relate to the fire apparatus access roads for one- or two-family dwelling residential developments.

SECTION 3.(c) Implementation. – Notwithstanding any provision of the Code or law to the contrary, in a one- or two-family dwelling residential development where two fire apparatus access roads are required, the Council, Code enforcement official, or fire code official, shall not require that fire apparatus access roads are placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, where conformance is technically infeasible, as determined by the property owner or developer. Reasons that conformance is technically infeasible may include road connectivity limitations, real property dimensions or limitations, real property acquisition constraints, or environmental constraints. For developments where compliance is technically infeasible, the Council, Code enforcement official, or fire code official shall either not require two fire apparatus access roads or allow for alterations that provide for fire apparatus access road remoteness to the maximum extent technically feasible.

SECTION 3.(d) Additional Rulemaking Authority. – The Council shall adopt a rule to amend Sections D107.1 and D107.2 of the 2018 North Carolina Fire Code consistent with subsection (c) of this section. Notwithstanding G.S. 143-136(c), the Residential Code Committee within the Council shall consider the amendment required by this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this subsection shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 3.(e) Sunset. – This section expires on the date that rules adopted pursuant to subsection (d) of this section become effective.

SECTION 4. Except as otherwise provided, this act is effective when it becomes law.