



Engineering

Wayne Goodwin, Commissioner of Insurance
Rick McIntyre, Assistant State Fire Marshal

April 20, 2016

Suzanne Harris
VP of Governmental Affairs
Home Builders Association of Raleigh – Wake County
5580 Centerview Drive, Suite 115
Raleigh, NC 27606

Dear Ms. Harris,

This correspondence is in response to your letter requesting a formal interpretation on Section 107 of the 2012 NC Administrative Code and Policies as affected by SL 2013-118 and SL 2015-145 for the number of scheduled inspections a jurisdiction is limited to.

Your question is “whether partial (fragmented/separate) inspections can be required by a local inspection department, within the context of Section 107 of the North Carolina Administrative and Policies Code for buildings or structures constructed in compliance with the North Carolina Residential Code for one- and two-family dwellings?”

Section 107 of the North Carolina Code and Policies list the inspections that shall be performed by an inspection department. NC Administrative Code and Policies, Section 107. While SL 2013-118 and SL-2015-145 did not change Section 107, they changed statutes that relate to the duties of local inspectors. Both GS 153A-352 and GS 153A-360 are applicable to your question. (These statutes apply to counties. Similar statutes, GS 160A-412 and GS 420 apply to municipalities. This interpretation will focus on the statutes for counties but would apply equally to both.) As amended by SL 2013-118 and SL 2015-145, the statutes state:

§ 153A-352. Duties and responsibilities.

(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.

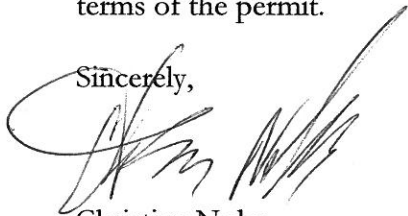
§ 153A-360. Inspections of work in progress.

Subject to the limitation imposed by G.S. 153A-352(b), 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. (1969, c. 1066, s. 1; 1973, c. 822, s. 1; 2011-376, s. 3; 2015-145, s. 1(a).)

In accordance with the statutes quoted, partial (fragmented/separate) inspections would not be allowed as 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, unless approved by the Building Code Council.

However, local inspectors shall make as many inspections of the work pursuant to a permit as necessary to satisfy them 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. Therefore as long as the inspections are not regular, routine inspections, local inspectors may break apart an inspection into more than one inspection if it is necessary to satisfy themselves that the work 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.

Sincerely,



Christian Noles
Deputy Commissioner
Office of State Fire Marshal
NC Department of Insurance

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