GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023

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SENATE BILL 166

Agriculture, Energy, and Environment Committee Substitute Adopted 5/2/23 PROPOSED HOUSE COMMITTEE SUBSTITUTE S166-PCS15420-BGf-24

Short Title: 2024 Bldg. Code Regulatory Reform.

(Public)

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Sponsors:

Referred to:

February 28, 2023

A BILL TO BE ENTITLED

2 AN ACT TO AMEND VARIOUS DEVELOPMENT REGULATIONS: AMEND VARIOUS 3 STATE NORTH CAROLINA BUILDING CODES; AMEND VARIOUS 4 CONSTRUCTION CONTRACTORS AND DESIGN PROFESSIONALS 5 REGULATIONS; AMEND VARIOUS ENVIRONMENT AND ENVIRONMENTAL 6 HEALTH REGULATIONS; REORGANIZE THE BUILDING CODE COUNCIL; AND 7 REMOVE ETJ WITHIN THE COUNTY OF MOORE.

8 The General Assembly of North Carolina enacts:9

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PART I. DEVELOPMENT REGULATIONS

12 **PROHIBIT CERTAIN BACKFLOW PREVENTER INSTALLATIONS**

SECTION 1.1.(a) Article 10 of Chapter 130A of the General Statutes is amended by
 adding a new section to read:

15 "<u>§ 130A-330. Local authority to require backflow preventers.</u>

(a) No public water system owned or operated by a local government unit, as that term is
 defined in G.S. 159G-20(13), shall require a customer to install a backflow preventer not
 otherwise required by State or federal law, except where the degree of hazard from the customer's
 connection is determined to be severe by the system or the Department.

(b) The limitation established in subsection (a) of this section shall not be construed to
 prohibit requirements for installation of backflow preventers pursuant to the State Plumbing
 Code due to retrofit or upfit/fit-up to the customer's plumbing, or facility addition on the
 customer's property.

(c) For purposes of this section, the following definitions apply:

- (1) "Backflow preventer" means an assembly, device, or method that prohibits the backflow of water into potable water supply systems.
- (2) "Severe hazard" means an actual or potential threat of contamination that presents an imminent danger to the public health with consequence of serious illness or death."

30 **SECTION 1.1.(b)** This section is effective when it becomes law and applies to 31 requirements for installation of backflow preventers made by a public water supply on or after 32 that date.

34 PROHIBIT DUPLICATIVE WATER SERVICE SHUT-OFF VALVE REQUIREMENTS 35 IN CERTAIN RESIDENTIAL DWELLINGS



	General Assembly Of North Carolina Session 2023
1	SECTION 1.2.(a) Article 10 of Chapter 130A of the General Statutes is amended by
2	adding a new section to read:
3	"§ 130A-331. Prohibit duplicative water service shut-off valves.
4	All persons and units of local government locating, constructing, altering, or operating, or
5	intending to locate, construct, alter, or operate, a public water system, as defined in
6	G.S. 130A-313, are prohibited from requiring the installation of a redundant inline water service
7	shutoff or cutoff valve between a water service meter and a customer receiving water service
8	within a dwelling subject to the North Carolina Residential Code. This section does not apply to
9	(i) integrated valves attached or located within a water meter box for the purpose of water meter
10	installation, repair, or replacement or (ii) valves installed as an accessible main shutoff valve near
11	the entrance of water service as required by the North Carolina Residential Code."
12	SECTION 1.2.(b) This section becomes effective January 1, 2025.
13	, , , , , , , , , , , , , , , , , , ,
14	BUILDING PERMIT FEES FOR INSPECTION DEPARTMENT CLARIFICATION
15	SECTION 1.3.(a) G.S. 160D-402 reads as rewritten:
16	"§ 160D-402. Administrative staff.
17	(a) Authorization. – Local governments may appoint administrators, inspectors,
18	enforcement officers, planners, technicians, and other staff to develop, administer, and enforce
19	development regulations authorized by this Chapter.
20	(b) Duties. – Duties assigned to staff may include, but are not limited to, drafting and
21	implementing plans and development regulations to be adopted pursuant to this Chapter;
22	determining whether applications for development approvals are complete; receiving and
23	processing applications for development approvals; providing notices of applications and
24	hearings; making decisions and determinations regarding development regulation
25	implementation; determining whether applications for development approvals meet applicable
26	standards as established by law and local ordinance; conducting inspections; issuing or denying
27	certificates of compliance or occupancy; enforcing development regulations, including issuing
28	notices of violation, orders to correct violations, and recommending bringing judicial actions
29	against actual or threatened violations; keeping adequate records; and any other actions that may
30	be required in order adequately to enforce the laws and development regulations under their
31	jurisdiction. A development regulation may require that designated staff members take an oath
32	of office. The local government shall have the authority to enact ordinances, procedures, and fee
33	schedules relating to the administration and the enforcement of this Chapter. The administrative
34	and enforcement provisions related to building permits set forth in Article 11 of this Chapter shall
35	be followed for those permits.
36	(c) Alternative Staff Arrangements. – A local government may enter into contracts with
37	another city, county, or combination thereof under which the parties agree to create a joint staff
38	for the enforcement of State and local laws specified in the agreement. The governing boards of
39	the contracting parties may make any necessary appropriations for this purpose.
40	In lieu of joint staff, a governing board may designate staff from any other city or county to
41	serve as a member of its staff with the approval of the governing board of the other city or county.
42	A staff member, if designated from another city or county under this section, shall, while
43	exercising the duties of the position, be considered an agent of the local government exercising
44	those duties. The governing board of one local government may request the governing board of

a second local government to direct one or more of the second local government's staff members 45 to exercise their powers within part or all of the first local government's jurisdiction, and they 46 shall thereupon be empowered to do so until the first local government officially withdraws its 47 request in the manner provided in G.S. 160D-202. 48

49 A local government may contract with an individual, company, council of governments, regional planning agency, metropolitan planning organization, or rural planning agency to 50 designate an individual who is not a city or county employee to work under the supervision of 51

1 the local government to exercise the functions authorized by this section. The local government 2 shall have the same potential liability, if any, for inspections conducted by an individual who is 3 not an employee of the local government as it does for an individual who is an employee of the 4 local government. The company or individual with whom the local government contracts shall 5 have errors and omissions and other insurance coverage acceptable to the local government. 6 (d) Financial Support. – The local government may appropriate for the support of the 7 staff any funds that it deems necessary. It shall have power to fix reasonable fees for support, 8 administration, and implementation of programs authorized by this Chapter, and all such-Chapter. 9 All fees collected by a building inspection department for the administration and enforcement of 10 provisions set forth in Article 11 of this Chapter shall be used for to support the administration and operations of the building inspection department and for no other purposes. When an 11 12 inspection, for which the permit holder has paid a fee to the local government, is performed by a 13 marketplace pool Code-enforcement official upon request of the State Fire Marshal under 14 G.S. 143-151.12(9)a., the local government shall promptly return to the permit holder the fee 15 collected by the local government for such inspection. This subsection applies to the following 16 types of inspection: plumbing, electrical systems, general building restrictions and regulations, 17 heating and air-conditioning, and the general construction of buildings." 18 **SECTION 1.3.(b)** This section becomes effective July 1, 2024. 19 20 **RESIDENTIAL PLAN REVIEW FEE REIMBURSEMENT** 21 SECTION 1.4.(a) G.S. 160D-1110(b) reads as rewritten: 22 "(b) A building permit shall be in writing and shall contain a provision that the work done 23 shall comply with the North Carolina State Building Code and all other applicable State and local 24 laws. Nothing in this section requires a local government to review and approve residential 25 building plans submitted to the local government pursuant to the North Carolina Residential 26 Code, so long as the local government may review and approve the residential building plans as 27 it deems necessary. If a local government chooses to review residential building plans for any 28 structures subject to regulation under the North Carolina Residential Code, all initial reviews for 29 the building permit shall be performed within 15 business days of submission of the plans. A 30 local government that reviews residential building plans for the purpose of building permit issuance shall perform its initial review concurrently with processes for project development 31 32 approvals required from other State, federal, and local agencies. A failure to conduct initial 33 reviews within 15 business days as required by this subsection entitles a building permit applicant 34 to a refund of ten percent (10%) of their total permit application fee per business day, up to 10 35 business days. A local government shall not require residential building plans for one- and 36 two-family dwellings to be sealed by a licensed engineer or licensed architect unless required by 37 the North Carolina State Building Code. No building permits shall be issued unless the plans and

specifications are identified by the name and address of their author. If the General Statutes require that plans for certain types of work be prepared only by a licensed architect or licensed engineer, no building permit shall be issued unless the plans and specifications bear the North

41 Carolina seal of a licensed architect or of a licensed engineer. When any provision of the General
42 Statutes or of any ordinance or development or zoning regulation requires that work be done by
43 a licensed specialty contractor of any kind, no building permit for the work shall be issued unless
44 the work is to be performed by a licensed contractor."

- 45 **SECTION 1.4.(b)** This section becomes effective July 1, 2024, and applies to permit 46 applications submitted on or after that date.
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48 CLARIFY PUBLIC SAFETY ISSUES FOR WITHHOLDING BUILDING PERMITS OR 49 CERTIFICATES OF OCCUPANCY

SECTION 1.5. G.S. 160D-1110(h) reads as rewritten:

No local government shall withhold a building permit or certificate of occupancy that 1 "(h) 2 otherwise would be eligible to be issued under this section to compel, with respect to another 3 property or parcel, completion of work for a separate permit or compliance with land-use 4 regulations under this Chapter unless otherwise authorized by law or unless the local government 5 reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy. For the purposes of this subsection, a "public safety 6 7 issue" shall not include improvement, installation, placement, repair, or replacement of any of 8 the following: 9 Landscaping around dwellings subject to the North Carolina Residential Code (1)10 within individual lots. 11 Landscaping within common areas within a subdivision development. (2)Street lighting fixtures within common areas of a subdivision development." 12 (3) 13 14 PROHIBIT UNRESTRICTED RIGHT OF ENTRY AS A CONDITION ТО 15 **DEVELOPMENT APPROVALS** 16 **SECTION 1.6.(a)** G.S. 160D-403(e) reads as rewritten: 17 Inspections. - Administrative staff may inspect work undertaken pursuant to a "(e) 18 development approval to assure that the work is being done in accordance with applicable State 19 and local laws and the terms of the approval. In exercising this power, staff may enter any 20 premises within the jurisdiction of the local government at all reasonable hours for the purposes 21 of inspection or other enforcement action, upon presentation of proper credentials, so long as the appropriate consent has been given for inspection of areas not open to the public or an appropriate 22 inspection warrant has been secured. Administrative staff are prohibited from requiring 23 24 unrestricted written consent from a permit applicant to enter any premises or areas not open to 25 the public as a condition to accepting an application for, or the issuance of, development 26 approvals." 27 **SECTION 1.6.(b)** Local governments and administrative staff are prohibited from 28 acting upon unrestricted written consent from a permit applicant to enter any premises or areas 29 not open to the public as a condition to accepting an application for, or the issuance of, 30 development approvals, obtained prior to the effective date of this subsection (a) of this section. 31 This subsection shall not be construed to invalidate a validly issued administrative warrant, 32 administrative inspection warrant, administrative search warrant, or inspection warrant which 33 has been secured by local government or administrative staff pursuant to G.S. 160D-403(e) or 34 G.S. 15-27.2, or construed to prohibit periodic inspections authorized by G.S. 160D-1117 or 35 G.S. 160D-1207. 36 37 PROHIBIT TECHNICAL CODE COMPLIANCE AFFIDAVITS 38 SECTION 1.7. G.S. 160D-1104(c) reads as rewritten: 39 "(c) In performing the specific inspections required by the North Carolina State Building 40 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 41 42 of instances in which the work inspected fails to meet the requirements of the North Carolina 43 State Building Code. An inspector is prohibited from requiring affidavits attesting that work is in compliance with the North Carolina Residential Code in lieu of conducting inspections 44 45 required for work subject to the North Carolina Residential Code." 46 47 LOCAL GOVERNMENT CURB AND GUTTER DESIGN STANDARDS 48 **SECTION 1.8.(a)** G.S. 160D-804 is amended by adding a new subsection to read: 49 Curb and Gutter Design Standards. - Notwithstanding G.S. 160A-307 and "(k)

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50 G.S. 160D-916, the regulation shall not limit, or prohibit the use of, curb and gutter design

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1	standards adopted by the North Carolina Department of Transportation for subdivision roads		
2	adjacent to, and serving, dwellings subject to the North Carolina Residential Code."		
3	SECTION 1.8.(b) This section becomes effective October 1, 2024, and applies to		
4	permit applications submitted on or after that date.		
5			
6	PROHIBIT SUPPLEMENTAL REMOTE RESIDENTIAL PARKING FACILITIES		
7	WITHIN SUBDIVISION DEVELOPMENTS		
8	SECTION 1.9.(a) G.S. 160D-804 is amended by adding a new subsection to read:		
9	"(1) Supplemental Remote Residential Parking Facilities The regulation shall no		
10	require the addition of supplemental remote residential parking facility requirements within		
11	subdivision developments. For the purposes of this subsection, a "supplemental remote		
12	residential parking facility" means a parking area, parking facility, or parking lot designed as a		
13	per dwelling supplement to available on-street parking for the purpose of serving residentia		
14	dwellings, subject to the North Carolina Residential Code, constructed within the subdivision		
15	development."		
16	SECTION 1.9.(b) This section becomes effective October 1, 2024, and applies to		
17	permit applications submitted on or after that date.		
18			
19	MUNICIPAL PEDESTRIAN FACILITY REQUIREMENTS WITHIN ETJ FOR		
20	SUBDIVISION STREETS DESIGNATED AS PUBLIC		
21	SECTION 1.10.(a) G.S. 160D-804(c) is amended by adding a new subdivision to		
22	read:		
23	"(5) A regulation adopted by a city shall not require a developer to design and		
24	construct pedestrian facilities, including sidewalks, within rights-of-way for		
25	new streets designated as public and to be submitted to the North Carolina		
26	Department of Transportation for review pursuant to G.S. 136-102.6, for		
27	small residential subdivisions located in areas subject to municipal planning		
28	and development regulation in an extraterritorial jurisdiction established		
29	pursuant to G.S. 160D-202, unless the city accepts long-term maintenance		
30	responsibilities by written agreement with the North Carolina Department of		
31	Transportation prior to construction of pedestrian facilities. For the purposes		
32	of this subdivision, "small residential subdivision" means a subdivisior		
33	development that contains 20 individual lots or less."		
34	SECTION 1.10.(b) A city that required a developer to design and construct		
35	pedestrian facilities on or after January 1, 2020, as described in G.S. 160D-804(c)(5) enacted by		
36	subsection (a) of this section, shall coordinate with the North Carolina Department of		
37	Transportation to accept long term maintenance responsibilities by written agreement for those		
38	pedestrian facilities as required by G.S. 160D-804(c)(5). Nothing in this section shall be		
39	construed to affect any long-term maintenance agreements between a municipality and the North		
40	Carolina Department of Transportation for pedestrian facilities described in G.S. 160D-804(c)(5)		
41	in effect on the effective date of this section.		
42			
43	G.S. 160D-804 TECHNICAL CORRECTION		
44	SECTION 1.11. G.S. 160D-804(j) reads as rewritten:		
45	"(j) Private Driveway Pavement Design Standards. – The regulation shall not require		
46	pavement design standards for new private driveway construction that are more stringent than		
47	the minimum pavement design standards adopted by the North Carolina Department of		
48	Transportation. Notwithstanding any regulation adopted by the local government, the local		
49 50	government must accept engineered pavement design standards that do not meet minimum standards required by the Department of Transportation if the proposed design standard is signed		

50 standards required by the Department of Transportation if the proposed design standard is signed 51 and sealed by a duly licensed professional engineer, under Chapter 89C of the General Statutes,

and meets vehicular traffic and fire apparatus access requirements. This subsection applies to 1 2 construction of new privately owned driveways, parking lots, and driving areas associated with 3 parking lots within a new development or subdivision that the developer designates as private 4 and that are intended to remain privately owned after construction. If driveways, parking lots, 5 and driving areas associated with parking lots are constructed to pavement design standards that 6 do not meet minimum standards required by a regulation adopted by the local government, as 7 authorized by this subsection, the developer must include disclosures to prospective buyers as 8 outlined in G.S. 136-102.6(f) prior to entering into any agreement or any conveyance with any 9 prospective buyer. A local government is discharged and released from any liabilities, duties, and 10 responsibilities imposed by this Article, or in common law, from any claim arising out of, or 11 attributed to, the plan review or acceptance of signed and sealed pavement design standards 12 submitted pursuant to this subsection. Nothing in this section subsection limits the authority of 13 local governments or the Department of Transportation to regulate private roads, driveways, or 14 street connections to a public system, or to regulate transportation and utilities, pursuant to 15 subsection (c) of this section, or as otherwise authorized by law." 16 17 **CLARIFY REQUIREMENTS FOR MODEL HOMES** SECTION 1.12.(a) Chapter 160D of the General Statutes is amended by adding a 18 19 new Article to read: 20 "Article 15. 21 "Miscellaneous Provisions. "§ 160D-1501. Model homes within subdivision developments. 22 Definition. - For the purposes of this section, a "model home" means a residential 23 (a) 24 dwelling built within a subdivision development constructed in compliance with the North 25 Carolina Residential Code which will be temporarily utilized to display the dwellings and 26 products offered, within the same subdivision development, to prospective purchasers. 27 Temporary Mixed Occupancy; Temporary Certificate of Occupancy Issuance. - A (b) 28 model home may include an area designated as a Business Group B occupancy, including for use 29 as a sales office and conducting development related business with prospective purchasers. Upon 30 completing the construction of a model home, a local government may issue a temporary certificate of occupancy pursuant to G.S. 160D-1116 if the permit holder, in their request for the 31 32 temporary certificate of occupancy, designates certain areas within the model home as a Business 33 Group B occupancy. 34 Accessibility Requirements. – An area designated as, or leading to, Business Group (c) 35 B occupancies within the model home must meet accessibility requirements as required by State 36 and federal law. Any other areas shall only be utilized for display purposes for prospective buyers to view the developer's product and for no other purpose. 37 Display Area Signage. - A permit holder receiving a temporary certificate of 38 (d) 39 occupancy for a model home pursuant to subsection (b) of this section must conspicuously post 40 and maintain signage at entrances to model home display areas specifying that the display area 41 is only for prospective buyers to view the developer's product and for no other purpose. 42 Utility Connections to Model Homes. - All persons and units of local government (e) 43 authorizing the connection of electrical, water, sewer, and any related utility services to a model home, must connect services requested by a permit holder upon issuance of a temporary 44 45 certificate of occupancy to a model home pursuant to subsection (b) of this section. Permit Holder to Disconnect Bathroom Facilities and Signage. - A permit holder 46 (f) receiving a temporary certificate of occupancy for a model home pursuant to this section shall 47 shut off all water to bathroom facilities within a model home and post signage on those bathrooms 48 49 with accessible bathroom facility locations on the premises." 50 SECTION 1.12.(b) The section becomes effective January 1, 2025, and applies to applications for temporary certificates of occupancy submitted on or after that date. 51

PI	ERFORMAN	CE GUARANTEES FOR SUBDIVISIONS			
	SECTION 1.13.(a) G.S. 160D-804.1 reads as rewritten:				
"§	"§ 160D-804.1. Performance guarantees.				
	To assure compliance with G.S. 160D-804 and other development regulation requirements,				
	-	ulation may provide for performance guarantees to assure successful completion			
of	required impro				
		s of this section, all of the following apply with respect to performance			
gu	arantees:				
	(1)	Type. – The type of performance guarantee shall be at the election of the developer. The term "performance guarantee" means any of the following			
		forms of guarantee:			
		a. Surety bond issued by any company authorized to do business in this State.			
		 b. Letter of credit issued by any financial institution licensed to do business in this State. 			
		c. Other form of guarantee that provides equivalent security to a surety			
		bond or letter of credit.			
	(1a)	Duration. – The duration of the performance guarantee shall initially be one			
	(14)	year, unless the developer determines that the scope of work for the required			
		improvements necessitates a longer duration. In the case of a bonded			
		obligation, the completion date shall be set one year from the date the bond is			
		issued, unless the developer determines that the scope of work for the required			
		improvements necessitates a longer duration.			
	(1b)	Extension. – A developer shall demonstrate reasonable, good-faith progress			
		toward completion of the required improvements that are secured by the			
		performance guarantee or any extension. If the improvements are not			
		completed to the specifications of the local government, and the current			
		performance guarantee is likely to expire prior to completion of the required			
		improvements, the performance guarantee shall be extended, or a new			
		performance guarantee issued, for an additional period. An extension under			
		this subdivision shall only be for a duration necessary to complete the required			
		improvements. If a new performance guarantee is issued, the amount shall be			
		determined by the procedure provided in subdivision (3) of this subsection			
		and shall include the total cost of all incomplete improvements.			
	<u>(1c)</u>	Inspection A local government shall conduct an inspection of the			
		improvements subject to a performance guarantee within 30 days of a request			
		received from a developer and advise the developer whether the			
		improvements are completed to the required specifications. In the event a local			
		government and developer disagree whether a required improvement is			
		completed to the specifications of a local government, a developer may obtain			
		a certification under seal from a licensed professional engineer that the			
		required improvements have been completed to the specifications of the local			
	(2)	government. Balassa The performance guarantee shall be returned or released as			
	(2)	Release. – The performance guarantee shall be returned or released, as			
		appropriate, in a timely manner within 30 days upon the acknowledgement by the local government that the improvements for which the performance			
		guarantee is being required are complete. complete or upon receipt of a			
		certification under seal from a professional engineer that the required			
		improvements have been completed to the specification of the local			
		<u>government</u> . The local government shall return letters of credit or escrowed			
		government. The local government shall return returns of credit of escrowed			

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1		funds within 30 days upon completion of the required i	mprovements to its
2		specifications or upon acceptance of the required im	-
3		required improvements are subject to local government	
4		required improvements that are secured by a bond are	
5		specifications of the local government, or are acce	pted by the local
6		government, if subject to its acceptance, upon request by	
7		local government shall timely provide written acknow	ledgement that the
8		required improvements have been completed.	
9	(3)	Amount The amount of the performance guarantee sl	
10		hundred twenty-five percent (125%) of the reasonably	
11		completion at the time the performance guarantee is	
12		government may determine the amount of the performanc	
13		cost estimate determined by the developer. The reasonab	•
14		completion shall include one hundred percent (100%) of	
15		and materials necessary for completion of the required im	1
16 17		applicable, the costs shall be based on unit pricing. The ad percent (25%) allowed under this subdivision includes in	
17		of administration regardless of how such fees or charges ar	
18 19		amount of any extension of any performance guarantee	
20		according to the procedures for determining the initial gua	
20		exceed one hundred twenty-five percent (125%) of the re	
22		cost of completion of the remaining incomplete	•
23		outstanding at the time the extension is obtained.	
24	(3a)	Timing. – A local government, at its discretion, may requ	ire the performance
25		guarantee to be posted either at the time the plat is red	corded or at a time
26		subsequent to plat recordation.	
27	(4)	Coverage The performance guarantee shall only be use	
28		the required improvements and not for repairs or	
29		completion. No performance guarantee, or other security,	• •
30		maintenance of any improvement once the improvement	
31		specification of a local government or upon receipt of a	
32		seal from a professional engineer that the required impro	ovements have been
33 34	(5)	completed to the specification of the local government.	in ony rights under
54 35	(5)	Legal responsibilities. – No person shall have or may cla or to any performance guarantee provided pursuant to this	
36		proceeds of any such performance guarantee other than the	
37		a. The local government to whom the performance gu	-
38		b. The developer at whose request or for whose bene	-
39		guarantee is given.	p
40		c. The person or entity issuing or providing the per	formance guarantee
41		at the request of or for the benefit of the developer	-
42	(6)	Multiple guarantees The developer shall have the option	n to post one type of
43		a performance guarantee as provided for in subdivision (1) of this section, in
44		lieu of multiple bonds, letters of credit, or other equival	-
45		development matters related to the same project requ	uiring performance
46		guarantees.	
47	(7)	Exclusion Performance guarantees associated with e	
48		stormwater control measures are not subject to the provisi	
49 50		TION 1.13.(b) This section becomes effective January 1, 2	2025, and applies to
50 51	permit applicatio	ns submitted on or after that date.	
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PART II. NORTH CAROLINA STATE BUILDING CODE

3 LOCAL FIRE PREVENTION CODE UNIFORMITY WITHIN DWELLINGS SUBJECT 4 TO THE NORTH CAROLINA RESIDENTIAL CODE 5

SECTION 2.1. G.S. 143-138(e) reads as rewritten:

6 "(e) Effect upon Local Codes. – Except as otherwise provided in this section, the North 7 Carolina State Building Code shall apply throughout the State, from the time of its adoption. 8 Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any 9 political subdivision of the State may adopt a fire prevention code and floodplain management 10 regulations within its jurisdiction. Provided a political subdivision shall not adopt local fire prevention code provisions which apply to dwellings subject to the North Carolina Residential 11 12 Code which are not prescriptively required by the North Carolina Residential Code. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified 13 14 by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within the corporate limits of the municipality and extraterritorial jurisdiction areas established as 15 provided in G.S. 160D-202 or a local act; county jurisdiction shall include all other areas of the 16 county. No such code or regulations, other than floodplain management regulations and those 17 18 permitted by G.S. 160D-1128, shall be effective until they have been officially approved by the 19 Building Code Council as providing adequate minimum standards to preserve and protect health 20 and safety, in accordance with the provisions of subsection (c) above. Local floodplain 21 regulations may regulate all types and uses of buildings or structures located in flood hazard areas 22 identified by local, State, and federal agencies, and include provisions governing substantial 23 improvements, substantial damage, cumulative substantial improvements, lowest floor elevation, 24 protection of mechanical and electrical systems, foundation construction, anchorage, acceptable 25 flood resistant materials, and other measures the political subdivision deems necessary 26 considering the characteristics of its flood hazards and vulnerability. In the absence of approval 27 by the Building Code Council, or in the event that approval is withdrawn, local fire prevention 28 codes and regulations shall have no force and effect. Provided any local regulations approved by 29 the local governing body which are found by the Council to be more stringent than the adopted 30 statewide fire prevention code and which are found to regulate only activities and conditions in 31 buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and 32 are not matters in conflict with the State Building Code, may be approved. Local governments 33 may enforce the fire prevention code of the State Building Code using civil remedies authorized 34 under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State 35 official with responsibility for enforcement of the Code institutes a civil action pursuant to 36 G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123, 37 or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such 38 civil remedies shall be as provided in G.S. 160D-1127.

39 A local government may not adopt any ordinance in conflict with the exemption provided by 40 subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the 41 exemption provided by subsection (c1) of this section."

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FIRE-RESISTANCE REQUIREMENTS FOR TOWNHOUSE END UNITS

SECTION 2.2.(a) Definitions. - For purposes of this section, "Code" means the 44 45 North Carolina State Building Code collection, and amendments to the Code, as adopted by the 46 Council. As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, "Council" means the Residential Code Council. 47

48 **SECTION 2.2.(b)** Fire Resistance for Exterior Wall Rule. – Until the effective date 49 of the rules to amend the Code that the Council is required to adopt pursuant to this section, the 50 Council and local governments enforcing the Code shall follow the provisions of subsection (c)

of this section as it relates to Section R302 and Table R302.1 within the North Carolina 1 2 Residential Code. 3 SECTION 2.2.(c) Implementation. – Notwithstanding R302 and Table R302.1 4 within the North Carolina Residential Code, a fire separation distance between the exterior end 5 wall of a townhouse building having a fire-resistance rating of 0 hours and closest interior lot 6 line may be less than 3 feet when any exterior elements of an adjacent townhouse or building are 7 located at a distance equal to or greater than 6 feet. 8 SECTION 2.2.(d) Additional Rulemaking Authority. – The Council shall adopt rules 9 to amend Section R302 and Table R302.1 to be consistent with subsection (c) of this section. 10 Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted 11 12 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General 13 Statutes. Rules adopted pursuant to this section shall become effective as provided in 14 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 15 G.S. 150B-21.3(b2). 16 **SECTION 2.2.(e)** Sunset. – This section expires when permanent rules adopted as 17 required by subsection (d) of this section become effective. 18 19 **GROUND FAULT CIRCUIT-INTERRUPTER (GFCI) PROTECTION FOR SUMP** 20 PUMPS LOCATED IN CRAWLSPACES AND BASEMENTS 21 SECTION 2.3.(a) Definitions. - For purposes of this section, "Code" means the North Carolina State Building Code collection, and amendments to the Code, as adopted by the 22 23 Council. As used in this section, "Council" means the Building Code Council. On or after January 24 1, 2025, "Council" means the Residential Code Council. 25 **SECTION 2.3.(b)** GFCI Rule. – Until the effective date of the rules to amend the 26 Code that the Council is required to adopt pursuant to this section, the Council and local 27 governments enforcing the Code shall follow the provisions of subsection (c) of this section as it 28 relates to Section 210.8 of the North Carolina Electrical Code. 29 SECTION 2.3.(c) Implementation. - For single-phase 15- and 20- ampere 30 receptacles supplied by a branch circuit dedicated to electric sump pumps to prevent flooding 31 installed in locations specified in Sections 210.8(A)(4) and 210.8(A)(5) that are required to have 32 ground-fault circuit interrupter protection for personnel, the ground-fault circuit interrupter 33 protection reset for those receptacles must be installed at a readily accessible location within the 34 dwelling unit, and with an indicator light, and clear descriptive labeling to indicate that the 35 receptacles are de-energized due to ground-fault protection application rendering the sump 36 pumps inoperable. 37 SECTION 2.3.(d) Additional Rulemaking Authority. – The Council shall adopt rules 38 to amend Section 210.8 of the North Carolina Electrical Code to be consistent with subsection 39 (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant 40 to this section shall be substantively identical to the provisions of subsection (c) of this section. 41 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of 42 the General Statutes. Rules adopted pursuant to this section shall become effective as provided 43 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided 44 in G.S. 150B-21.3(b2). SECTION 2.3.(e) Sunset. - This section expires when permanent rules adopted as 45 46 required by subsection (d) of this section become effective. 47 48 STAIRWAY ADJACENT GLAZING REQUIREMENTS 49 SECTION 2.4.(a) Definitions. – For purposes of this section, "Code" means the

50 North Carolina State Building Code collection, and amendments to the Code, as adopted by the

Council. As used in this section, "Council" means the Building Code Council. On or after January 1 2 1, 2025, "Council" means the Residential Code Council. 3 **SECTION 2.4.(b)** Stairway Glazing Rule. – Until the effective date of the rules to 4 amend the Code that the Council is required to adopt pursuant to this section, the Council and 5 local governments enforcing the Code shall follow the provisions of subsection (c) of this section 6 as it relates to the Section R308.4 within the North Carolina Residential Code. 7 **SECTION 2.4.(c)** Implementation. – Notwithstanding Section R308.4, glazing 8 adjacent to a landing at the top of a stairway or ramp that is located more than 18 inches above 9 the landing shall not be considered to be a hazardous location. 10 **SECTION 2.4.(d)** Additional Rulemaking Authority. – The Council shall adopt rules to amend Section R308.4 of the North Carolina Residential Code to be consistent with subsection 11 12 (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. 13 14 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of 15 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 16 17 in G.S. 150B-21.3(b2). 18 SECTION 2.4.(e) Sunset. – This section expires when permanent rules adopted as 19 required by subsection (d) of this section become effective. 20 21 **ELECTRIC WATER HEATER ELEVATION REQUIREMENTS** 22 SECTION 2.5.(a) Definitions. - For purposes of this section, "Code" means the 23 North Carolina State Building Code collection, and amendments to the Code, as adopted by the 24 Council. As used in this section, "Council" means the Building Code Council. On or after January 25 1, 2025, "Council" means the Residential Code Council. 26 SECTION 2.5.(b) Water Heater Rule. – Until the effective date of the rules to amend 27 the Code that the Council is required to adopt pursuant to this section, the Council and local 28 governments enforcing the Code shall follow the provisions of subsection (c) of this section as it 29 relates to the Section P2801.7 within the North Carolina Residential Code. 30 SECTION 2.5.(c) Implementation. – Notwithstanding Section P2801.7, elevation of 31 the ignition source is not required for electric water heaters. 32 SECTION 2.5.(d) Additional Rulemaking Authority. – The Council shall adopt rules 33 to amend Section P2801.7 of the North Carolina Residential Code to be consistent with 34 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council 35 pursuant to this section shall be substantively identical to the provisions of subsection (c) of this 36 section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 37 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 38 39 provided in G.S. 150B-21.3(b2). 40 SECTION 2.5.(e) Sunset. – This section expires when permanent rules adopted as 41 required by subsection (d) of this section become effective. 42 43 IMPLEMENTATION OF CODE CHANGES FOR USE OF CERTAIN INSULATION IN 44 UNVENTED ATTIC AND ENCLOSED RAFTER ASSEMBLIES 45 SECTION 2.6. Section 6 of S.L. 2023-108 reads as rewritten: 46 "AMEND INSULATION REQUIREMENTS FOR UNVENTED ATTIC AND 47 **ENCLOSED RAFTER ASSEMBLIES** 48 "SECTION 6.(a) Definitions. – As used in this section, "Code" means the current North 49 Carolina State Building Code collection, and amendments to the Code, as adopted by the Council. 50 For purposes of this section and its implementation, "R402 Rules" means provisions and tables within Section 402, Building Thermal Envelope, North Carolina - Residential Provisions, of the 51

1	North Carolina Energy Conversation Code. As used in this section, "Council" means the Building
2	Code Council. On or after January 1, 2025, "Council" means the Building Code Council and the
3	Residential Code Council as created in Section 1 of this act.
4	"SECTION 6.(b) R402 Rules Amendment. – The Council shall amend R402 Rules to
5	include, as an optional alternative to residential ceiling insulation minimums, minimum
6	insulation requirements for the use of air-impermeable insulation in areas with unvented attic and
7	unvented enclosed rafter assemblies. Until the effective date of the rules to amend the Code that
8	the Council is required to adopt pursuant to this section, the Council and local governments
9	enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to the
10	R402 rules within the North Energy Conservation Code.
11	"SECTION 6.(c) Implementation. – The Council shall amend R402 Rules to include, as an
12	optional alternative to residential ceiling insulation minimums, minimum insulation requirements
13	for the use of air-impermeable insulation in unvented attic and unvented enclosed rafter
14	assemblies. In developing this amendment, the Council shall include in that optional alternative
15	that where <u>Where</u> R402 Rules require R-38 insulation in the ceiling, installing air-impermeable
16	insulation, as follows, to the underside or directly above the roof deck shall be deemed to satisfy
17	the R-38 requirements: requirement in areas with unvented attic or unvented enclosed rafter
18	assemblies: (i) R-20 (equivalent U-factor 0.05) for climate zone 3; (ii) R-25 (equivalent U-factor
19	0.037) for climate zone 4; and (iii) R-25 (equivalent U-factor 0.037) for climate zone 5. These
20	air-impermeable insulation alternative R-value minimums apply in residences with areas with
21	unvented attic or unvented enclosed rafter assemblies and meeting the following criteria:
22	(1) The unvented attic or unvented enclosed rafter assemblies are constructed
23	under Section R806.5 of the North Carolina Residential Code.
24	(2) The residence contains a mechanical ventilation system that operates on a
25	positive, balanced, or hybrid pressure strategy.
26	(3) For residences with air-impermeable insulation installed below the roof deck,
27	exposed portions of the roof rafters are wrapped by a minimum of R-3
28	insulation unless directly covered by drywall or finished ceiling material. For
29	residences with air-impermeable insulation installed above the roof deck, roof
30	rafters do not require insulation wrapping if air-impermeable insulation
31	installed above the roof deck is continuous.
32	(4) The residence obtains an ACH50 blower door test result of less than 3.0.
33	(5) The residence contains heating, cooling, and ventilation equipment and
34	ductwork within thermal envelope.
35	"SECTION 6.(d) Additional Rulemaking Authority. – The Council shall adopt rules to
36	amend the R402 Rules to be consistent with subsection (c) of this section. Notwithstanding
37	G.S. 150B-19(4), the rule adopted by the Council pursuant to this section shall be substantively
38	identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section
39	are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted
40	pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10
41	or more written objections had been received as provided in G.S. 150B-21.3(b2).
42	"SECTION 6.(c) SECTION 6.(e) Sunset. – This section expires when permanent rules
43	adopted as required by subsection (b) subsection (d) of this section become effective."
44	
45	IMPLEMENTATION OF CODE REQUIREMENTS DURING INCORPORATION OF
46	3- AND 4- FAMILY DWELLINGS INTO THE RESIDENTIAL CODE
47	SECTION 2.7. Section 9 of S.L. 2023-108 reads as rewritten:
48	"AMEND THE RESIDENTIAL CODE TO INCLUDE THREE-AND FOUR-FAMILY
49	DWELLINGS
50	"SECTION 9.(a) Definitions. – As used in this section, "Code" means the current North
51	Carolina State Building Code collection and amendments to the Code, as adopted by the Council.

As used in this section, "Council" means the Building Code Council. On or after January 1, 2025, 1 2 "Council" means the Residential Code Council as created in Section 1 of this act. As used in this 3 section, a "three- and four-family dwelling" means a single building constructed with three- or 4 four-dwelling units within the building that is two or less stories above grade plane, located solely 5 on an individual lot. 6 "SECTION 9.(b) The Council shall adopt rules to amend the North Carolina Residential 7 Code to include three-family (triplex) and four-family (quadplex) three- and four-family 8 dwellings within its scope by modifying, transitioning, and establishing minimum prescriptive 9 requirements to address the design and construction of those dwellings and make conforming 10 changes to the Code in accordance with this section. In amending rules pursuant to this subsection, section, the Council shall not require greater than a 2-hour fire resistance rating for 11 12 triplex and quadplex three- and four-family dwelling common wall, floor, and ceiling separation assemblies or require automatic fire sprinkler systems within the North Carolina Residential 13 14 Code. Until the effective date of the rules to amend the Code that the Council is required to adopt pursuant to this section, the Council and local governments enforcing the Code shall follow the 15 provisions of this section and subsection (c) of this section as it relates to the construction of 16 17 three- and four- family dwellings. "SECTION 9.(c) Implementation. – Three- and four-family dwellings shall be constructed 18 19 in conformance with the North Carolina Residential Code, and in cases where the North Carolina 20 Residential Code does not address materials, design, or methods of construction unique to three- and four-family dwellings, reasonable materials, design, or methods of construction shall 21 be utilized and approved when in compliance with the intent and provisions of this section, and 22 with reasonable extension of the provisions of the North Carolina Residential Code. Three- and 23 24 four-family dwellings shall (i) be required to have a 2-hour fire resistance rating for three- and 25 four-family dwelling common wall, floor, and ceiling separation assemblies; (ii) shall not be 26 required to have automatic fire sprinkler systems installed; and (iii) shall have exits located on 27 an exterior wall or through a common 2-hour fire resistant rated corridor to the public way. 28 "SECTION 9.(d) Additional Rulemaking Authority. – The Council shall adopt rules to 29 amend the Code to be consistent with subsection (c) of this section. Notwithstanding 30 G.S. 150B-19(4), the rule adopted by the Council pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section 31 32 are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted 33 pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 34 or more written objections had been received as provided in G.S. 150B-21.3(b2). 35 Residential Contractor Classification Temporary Expansion. -"SECTION 9.(e) 36 Notwithstanding G.S. 87-10(b)(1a), 21 NCAC 12A .0202, and G.S. 87-13, a person in the State of North Carolina utilizing a residential contractor general contractor license classification may 37 engage in all construction and demolition activity pertaining to the construction of three- and 38 39 four-family dwellings, and the State Licensing Board for General Contractors shall not take 40 disciplinary action against a licensee for the unauthorized practice of contracting solely on the 41 basis of exceeding a residential contractor license classification pending the transition of the 42 three- and four-family dwellings to the North Carolina Residential Code pursuant to this section. 43 "SECTION 9.(c) SECTION 9.(f) Sunset. – This section expires when the permanent rules adopted as required by subsection (b) subsection (d) of this section become effective. 44 45 "SECTION 9.(d) SECTION 9.(g) This section is effective when it becomes law." 46 47 PART III. CONSTRUCTION CONTRACTORS AND DESIGN PROFESSIONALS 48 49 **COURT AWARDS FOR CONTRACTOR VIOLATIONS** 50 SECTION 3.1.(a) G.S. 87-25.1 reads as rewritten: "§ 87-25.1. Board may seek injunctive relief. 51

1	(a) Whenever it appears to the Board that any person, firm or corporation is violating any
2	of the provisions of this Article or of the rules and regulations of the Board promulgated under
3	this Article, the Board may apply to the superior court for a restraining order and injunction to
4	restrain the violation; and the violation. The superior courts have jurisdiction to grant the
5	requested relief, irrespective of whether or not criminal prosecution has been instituted or
6	administrative sanctions imposed by reason of the violation. The court may award the Board its
7	reasonable costs associated with the investigation and prosecution of the violation.
8	(b) When the Board prevails in actions brought under this section, the court shall award
9	the Board its reasonable attorney's fee not to exceed five thousand dollars (\$5,000) plus the costs
10	associated with obtaining the relief and the investigation and prosecution of the violation.
11	(c) Examination applicants who have failed to pay a court award pursuant to subsection
12	(b) of this section shall not be allowed to take any examination offered by the Board until the
13	award has been satisfied."
14	SECTION 3.1.(b) G.S. 87-48 reads as rewritten:
15	"§ 87-48. Penalty for violation of Article; powers of Board to enjoin violation.
16	(a) Any person, partnership, firm, or corporation that violates any of the provisions of
17	this Article or that engages or offers to engage in the business of installing, maintaining, altering,
18	or repairing within North Carolina any electric wiring, devices, appliances, or equipment without
19	first having obtained a license under the provisions of this Article is guilty of a Class 2
20	misdemeanor.
21	(b) Whenever it shall appear to the State Board of Examiners of Electrical Contractors
22	that any person, partnership, firm or corporation has violated, is violating, or threatens to violate
23	any provisions of this Article, the Board may apply to the courts of the State for a restraining
24	order and injunction to restrain such practices. If upon such application the court finds that any
25	provision of this Article is being violated, or a violation thereof is threatened, the court shall issue
26	an order restraining and enjoining such violations, and such relief may be granted regardless of
27	whether criminal prosecution is instituted under the provisions of this Article. The venue for
28	actions brought under this subsection shall be the superior court of any county in which such acts
29	are alleged to have been committed or in the county where the defendants in such action reside.
30	(c) When the Board prevails in actions brought under this section, the court shall award
31	the Board its reasonable attorney's fee not to exceed five thousand dollars (\$5,000) plus the costs
32	associated with obtaining the relief and the investigation and prosecution of the violation.
33	(d) Examination applicants who have failed to pay a court award pursuant to subsection
34	(c) of this section shall not be allowed to take any examination offered by the Board until the
35	award has been satisfied."
36	SECTION 3.1.(c) This section is effective when it becomes law and applies to
37	actions filed or commenced on or after that date.
38	
39	AMEND ELECTRICAL CONTRACTOR LICENSURE REQUIREMENTS
40	SECTION 3.2.(a) G.S. 87-43.3(a)(1) reads as rewritten:
41	"(1) Limited, under which a licensee shall be permitted to engage in a single
42	electrical contracting project of a value, as established by the Board, not in
43	excess of one hundred thousand dollars (\$100,000) and on which the
44	equipment or installation in the contract is rated at not more than 600-1,000
45	volts. The limited classification and any special restricted classifications shall
46	require no more than 3,000 hours of experience, of which, no less than 2,000
47	hours shall consist of primary experience gained by direct installation of
48	electrical wiring and equipment governed by the National Electric Code."
49	SECTION 3.2.(b) This section becomes effective October 1, 2024.
50	
51	FUEL GAS CODE REFERENCE FOR ELECTRICAL CONTRACTOR EXEMPTION

General Assem	bly Of North Carolina	Session 2023
SEC "(8)	CTION 3.3. G.S. 87-43.1(8) reads as rewritten: To the bonding of corrugated stainless steel tubin as required under Section 310.1.1 of the 2012 N Code."	
	UILDING CODE PERMIT TECHNICIAN CER TION 3.4.(a) G.S. 143-151.12 reads as rewritten:	TIFICATION
"§ 143-151.12.	Powers.	
In addition t	to powers conferred upon the Board elsewhere in th	his Article, the Board has the
power to do the	following:	
<u>(3a)</u>	Certify persons as being qualified under the pro-	
	North Carolina State Building Code Permit Tech	<u>nnicians.</u>
"		
	CTION 3.4.(b) Article 9C of Chapter 143 of the Ge	eneral Statutes is amended by
adding a new se		
	North Carolina State Building Code Permi	
	gram; professional development requirements; r	enewal of certificates; fees;
	n waivers. • Duilding Code Dermit Technician Cartification	Ducana The Decad shall
	e Building Code Permit Technician Certification	
•	Carolina State Building Code Permit Technician cer	
	Building Code Permit Technician Certificate. To e amination, as prescribed by the Board, that is based	
-	administrative procedures applicable to permit	
	t of Code-enforcement officials and local inspection	
	te to each person who successfully completes the	
	gnatures of the chairman and secretary of the Board	
	essional Development Standards for Renewal	
	evelopment requirements for North Carolina S	-
-	a condition of the renewal of their certificates. The	-
	quirements is to assist in maintaining profession	
-	this section shall present evidence to the Board at	-
•	on that during the 12 months before the certificate e	
	pleted the required number of credit hours in cou	-
	ing education hour requirements shall be determin	± ±
may, for good c	ause shown, grant extensions of time to certificate	holders to comply with these
requirements.		
(c) Rene	ewal Application. – A North Carolina State Build	ing Code Permit Technician
Certificate must	t be renewed annually on or before the first day of J	uly.
<u>(d)</u> <u>Fee</u>	Authorization The Board shall establish a schedu	ale of fees to be paid by each
applicant for in	itial certification and renewal certification as a N	orth Carolina State Building
	echnician. A fee of not more than twenty dollars (\$	
Board, must be	paid by any applicant to the Board for the issuance	e of an initial certification. A
	e than ten dollars (\$10.00), as determined by the	
	Board for the issuance of a renewal certification	
	four dollar (\$4.00) late renewal fee for renewal app	plications made after the first
day of July each		
() $()$	lified Code-Enforcement Official Exam Waiver.	The Roard shall without
requiring an exa	amination, grant a certificate pursuant to this section, possesses a Building Inspector standard certifi	on to any person who, at the

1	who is in good standing. The Board may assess a fee for a certificate issued pursuant to this
2	subsection, to the extent authorized by subsection (d) of this section for an initial certification.
3	(f) <u>Comity. – The Board may, without requiring an examination, grant a certificate</u>
4	pursuant to this section to any person who, at the time of application, is similarly certified as a
5	permit technician in good standing by a similar board of another jurisdiction or certified as a
6	permit technician in good standing by the International Code Council, where standards are
7	acceptable to the Board. The certificate granted under this subsection shall expire after one year
8	unless, within that time period, the holder completes a short course, as prescribed by the Board,
9	based on the North Carolina State Building Code and administrative procedures described in
10	subsection (a) of this section. The Board may assess a fee for a certificate issued pursuant to this
11	subsection, to the extent authorized by subsection (d) of this section for an initial certification."
12 13	SECTION 3.4.(c) This section becomes effective July 1, 2024.
14	APPLICATION FOR ARCHITECTURE LICENSURE EXAMINATION
15	SECTION 3.5.(a) G.S. 83A-7 reads as rewritten:
16	"§ 83A-7. Qualifications and examination requirements.
17	(a) Licensing by Examination. – Any individual who is at least 18 years of age and of
18	good moral character may make written application for examination by completion of a form
19	prescribed by the Board accompanied by the required application fee. Subject to qualification
20	requirements of this section, the applicant shall be entitled to an examination to determine
21	qualifications for licensure.
22	(1) The qualification requirements for licensure by examination as a duly licensed
23	architect shall be all of the following:
24	a. Practical training and experience as specified by rules of the Board.
25	b. The successful completion of a licensure examination in architecture
26	as specified by the rules of the Board.
27	c. The successful completion of an accredited master's or bachelor's
28	degree in architecture as specified by the rules of the Board.
29	(2) The Board shall adopt rules to set requirements for professional education,
30	practical training and experience, and examination which must be met by
31	applicants for licensure and which may be based on the published guidelines
32	of nationally recognized councils or agencies for the accreditation,
33	examination, and licensing for the architectural profession.
34	(b) Licensing by Reciprocity. – Any individual holding a current license for the practice
35	of architecture from another state or territory, and holding a certified record issued by the
36	National Council of Architectural Registration Boards, NCARB, may upon application and
37	within the discretion of the Board be licensed without written examination. The Board may, in
38	its discretion, waive the requirement for National Council of Architectural Registration Boards
39 40	(NCARB) certified record if the qualifications, examination and licensing requirements of the
40	state in which the applicant is licensed are substantially equivalent to those of this State and the
41	applicant otherwise meets the requirements of this Chapter.
42 43	(b1) Examination Eligibility by Established Experience. – Notwithstanding sub-subdivision (a)(1)c. of this section, a person may apply for licensure by examination pursuant
43 44	to this section, if the person meets either of the following criteria:
45	(1) The person (i) possesses at least 15 years of engineering practice as a licensed
46	engineer pursuant to Chapter 89C of the General Statutes in good standing,
47	(ii) possesses practical training, experience, and a degree in engineering as
48	specified by the rules of the Board, and (iii) the applicant otherwise meets the
49	requirements of this Chapter.
50	(2) The person possesses an established record of relevant involvement, practical
51	training, and substantial experience on architectural projects as specified by

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1	the rules of the Board for at least 20 years, and otherwise meets the
2	requirements of this Chapter.
3	(c) Registration. – Any individual who is at least 18 years of age and of good moral
4	character may apply for registration as a registered interior designer, and shall provide substantial
5	evidence to the Board that the applicant meets one of the following requirements:
6	(1) The applicant shall provide a verification from the Council for Interior Design
7	Qualification or its successor in interest as proof that he or she passed the
8 9	NCIDQ examination and the applicant is an NCIDQ Certificate holder in good
9 10	standing.(2) The applicant is a licensed architect certified by the Board.
10	
11	(d) Registration by Reciprocity. – The Board may accept satisfactory evidence of registration, licensure, or certification as an interior designer in another jurisdiction, if the
12	jurisdiction's requirements for registration, licensure, or certification are substantially equivalent
13 14	to or greater than those required for registration in this State at the date of application."
14	SECTION 3.5.(b) This section becomes effective October 1, 2024.
15 16	SECTION 5.5.(b) This section becomes effective October 1, 2024.
10	LOCAL GOVERNMENT REVIEW OF SEALS OF DESIGN
17	SECTION 3.6. Article 1 of Chapter 160D of the General Statutes is amended by
19	adding a new section to read:
20	" <u>§ 160D-111. Local government review of affixed seals of design.</u>
20	<u>Administrative staff, Code-enforcement officials, or other local government personnel</u>
22	charged with reviewing plans required by this Chapter shall not make administrative decisions
23	on the appropriateness of the scope of work covered by architect or engineer seals of designs
24	affixed to work as required by Chapter 83A, Chapter 89C, the North Carolina State Building
25	Code, or as otherwise required by law. Nothing is this section should be construed to prevent a
26	local government from reviewing work to determine whether seals of design are required to be
27	affixed to work as required by law, or filing a complaint as outlined in G.S. 83A-14 or
28	G.S. 89C-22, as appliable."
29	
30	PART IV. ENVIRONMENT AND ENVIRONMENTAL HEALTH
31	
32	CLARIFY SECTION 13(b) OF S.L. 2023-108, WHICH PROHIBITED LOCAL
33	GOVERNMENTS FROM REQUIRING PAYMENTS FROM OWNERS OF
34	STORMWATER CONTROL SYSTEMS FOR FUTURE MAINTENANCE OR
35	REPLACEMENT COSTS OF A SYSTEM
36	SECTION 4.1. Section 13(b) of S.L. 2023-108 reads as rewritten:
37	"SECTION 13.(b) If, prior to the effective date of G.S. 160D-925(d1), as enacted by
38	subsection (a) of this section, a local government has required an owner of a privately owned and
39	maintained stormwater control project to make payments to the local government for the purpose
40	of ensuring assets are available for maintenance, repair, replacement, and reconstruction costs of
41	the owner's stormwater control project or other stormwater control projects within the local
42	government's jurisdiction, in accordance with G.S. 160D 925(d1), as enacted by subsection (a)
43	of this section, the local government shall shall, upon request of the owner of the stormwater
44	control project, immediately refund the monies to the owner of the stormwater control project to
45	make such funds accessible to the owner to cover necessary maintenance, repair, replacement,
46 47	and reconstruction costs for the owner's stormwater control project. project, in accordance with
47 48	<u>G.S. 160D-925(d1)</u> . For stormwater control projects in residential communities, in the event
48	maintenance, repair, replacement or reconstruction of a project is needed, such funds shall be
49 50	exhausted before the local government may assess costs of the necessary work on individual homeowners within the community or any applicable owners' association "
50 51	homeowners within the community, or any applicable owners' association."
51	

FOR 1 MODIFY RECORDATION REQUIREMENTS **OPERATION** AND 2 MAINTENANCE AGREEMENTS FOR STORMWATER CONTROL MEASURES 3 **SECTION 4.2.(a)** Definitions. – For purposes of this section, "Stormwater Control 4 Measure Rule" means 15A NCAC 02H .1050 (Minimum Design Criteria for All Stormwater 5 Control Measures). 6 **SECTION 4.2.(b)** Stormwater Control Measure Rule. – Until the effective date of 7 the revised permanent rule that the Environmental Management Commission is required to adopt 8 pursuant to subsection (d) of this section, the Commission shall implement the Stormwater 9 Control Measure Rule as provided in subsection (c) of this section. 10 SECTION 4.2.(c) Implementation. - The Commission shall eliminate the requirement that an Operation and Management (O&M) Agreement be referenced on the final 11 12 plat and recorded with the county Register of Deeds upon final plat approval. In lieu, the Commission shall require that an O&M Agreement be referenced upon any instrument of title 13 14 recorded with the county Register of Deeds. For the purposes of this subsection, "instrument of 15 title" means any recorded instrument that affects title or constitutes the chain of title to real property, including, but not limited to, all deeds, wills, estate documents evidencing transfer of 16 17 title, plats, surveys, easements, rights-of-way, outstanding mortgages and deeds of trust, judicial 18 orders or decrees, and documents evidencing intestate succession. 19 SECTION 4.2.(d) Additional Rulemaking Authority. - The Commission shall adopt 20 a rule to amend the Stormwater Control Measure Rule consistent with subsection (c) of this 21 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this 22 section shall be substantively identical to the provisions of subsection (c) of this section. Rules 23 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the 24 General Statutes. Rules adopted pursuant to this section shall become effective as provided in 25 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 26 G.S. 150B-21.3(b2). 27 **SECTION 4.2.(e)** Sunset. – This section expires when permanent rules adopted as 28 required by subsection (d) of this section become effective. 29 30 AMEND NCDEQ FAST TRACK SEWER CERTIFICATIONS 31 SECTION 4.3.(a) G.S. 143-215.1(d) reads as rewritten: 32 Applications and Permits for Sewer Systems, Sewer System Extensions and "(d) 33 Pretreatment Facilities, Land Application of Waste, and for Wastewater Treatment Facilities Not 34 Discharging to the Surface Waters of the State. -35 All applications for new permits and for renewals of existing permits for sewer (1)36 systems, sewer system extensions and for disposal systems, and for land 37 application of waste, or treatment works which do not discharge to the surface 38 waters of the State, and all permits or renewals and decisions denying any 39 application for permit or renewal shall be in writing. Where the Commission 40 has provided a digital submission option, the submission shall constitute a written submission. The Commission shall act on a permit application as 41 42 quickly as possible. The Commission may conduct any inquiry or 43 investigation it considers necessary before acting on an application and may 44 require an applicant to submit plans, specifications, and other information the 45 Commission considers necessary to evaluate the application. If the 46 Commission fails to act on an application for a permit, including a renewal of 47 a permit, within 90 days after the applicant submits all information required by the Commission, the application is considered to be approved. Permits and 48 49 renewals issued in approving such facilities pursuant to this subsection shall 50 be effective until the date specified therein or until rescinded unless modified

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or revoked by the Commission. Prior to acting on a permit application for the

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1		land application of bulk residuals resulting from the	operation of a wastewater
2		treatment facility, the Commission shall provide not	-
3		comment from the governing board of the county ir	· · ·
4		application of bulk residuals is proposed to be loc	
5		units to whom pretreatment program authority	
6		establish, maintain, and provide to the public, upo	-
7		pretreatment applications received. If the Comm	
8		application for a permit or for a renewal of a p	
9		subdivision after the applicant submits all info	-
10		Commission, the application shall be deemed appro	
10			
12			
		certification that the design meets or ex	
13		Criteria developed by the Department app	
14		Commission shall perform a review of a ne	
15		system extension permit, including a renew	
16		system extension, within 30 working days o	
17		to determine if the application is app	11
18		Commission shall issue a receipt letter or e	
19		that the application is approved. If addition	
20		to complete the review, the application sha	
21		and the Commission shall issue a request	
22		letter or electronic response identifying th	
23		complete the application package before th	* * * * * * * * * * * * * * * * * * *
24		When the required information is received, t	
25		issue a receipt letter or electronic respo	
26		complete within 10 working days of the	
27		received all required information. After iss	-
28		response requesting additional information	
29		Commission shall not subsequently request a	
30		was not previously identified as missing or	required in that additional
31		information letter or electronic response. W	•••
32		receiving all necessary certifications from a	professional engineer that
33		the sewer system extension complies with	n all applicable rules and
34		Minimum Design Criteria, the certifications	shall be deemed approved
35		and the Commission shall issue the perm	nit or permit renewal, as
36		<u>applicable.</u>	
37		b. All other permits. – If the Commission fail	ls to act on an application
38		for any other permit, including a renewal o	f any other permit, within
39		90 working days after the applicant submit	s all information required
10		by the Commission, the application shall be	deemed approved.
11	(2)	An applicant for a permit to dispose of petroleum	
12		application shall give written notice that he intends	-
13		to each city and county government having jurisdi	
14		land on which disposal is proposed to occur. The Co	• •
15		such a permit application unless it is accompanied b	-
16		evidence that the notice was sent to each such gove	
17		return receipt requested. The Commission may	-
18		whether to issue the permit, the comments submitte	-
19	SECT	(ION 4.3.(b) The Commission shall adopt amo	
50		o reflect the statutory changes made by subsection (a	
U	permitting rules t	o reflect the statutory changes made by subsection (a	

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1	SECT	ION 4.3.(c) Subsections (a) and (b) of this section become	me effective July 1,
2	2024.		-
3			
4		EWATER CONTRACTORS AND INSPECTORS BO	
5	SECT	ION 4.4. Article 5 of Chapter 90A of the General Statutes	s reads as rewritten:
6		"Article 5.	
7		Certification of On-Site Wastewater Contractors and Inspec	tors.
8	"§ 90A-70. Purp		
9		ose of this Article to protect the environment and public	•
10	•	ng the integrity and competence of on-site wastewater con	
11		e wastewater evaluators, private compliance inspectors,	
12		uire the examination of on-site wastewater contractors <u>cor</u>	
13		r evaluators, private compliance inspectors, and point of sal	
14		eir competency to supervise or conduct the construction,	-
15		or inspection of on-site wastewater systems; to establish	
16 17		ct, responsibility, training, experience, and continuing ec	
18		m contractors <u>contractors</u> , <u>authorized</u> on-site <u>wastewater</u>	
18 19		ctors, and point of sale inspectors; and to provide approules adopted by the North Carolina On-Site Wastewat	-
20	Inspectors Certifi	- ·	er contractors and
20	"§ 90A-71. Defin		
22	-	definitions apply in this Article:	
23	(1)	"Authorized On-Site Wastewater Evaluator" is	as defined in
23	(1)	G.S. 130A-336.2(a).	as defined in
25	(2)	"Board" means the North Carolina On-Site Wastewat	er Contractors and
26	<u>(2)</u>	Inspectors Certification Board.	er contractors and
27	(2) (3)	1	repairs or offers to
8	$(2)\underline{(3)}$	construct, install, or repair an on-site wastewater system i	-
.9	(3) (4)		
80	(3) <u>(1)</u>	G.S. 130A-343(a)(3).	S us <u>is us defined</u> in
1	(4)(5)	"Department" means the Department of Health and Huma	an Services.
2		<u>"</u> "Inspection" means an examination of an on-site wastewat	
3		under the provisions of Article 11 of Chapter 130A of t	
34		that satisfies all of the following criteria:	
35		a. Is requested by a lending institution, realtor, pros	pective homebuyer,
6		or other impacted party as a condition of sale, refi	
37		of title.	
38		b. Meets the minimum requirements established by t	he Board.
39	(5) (7)	"Inspector" means a person who conducts an inspection	
10		rules adopted by the Board.	
11	(6) (8)	"On-site wastewater system" means any wastewater syst	em permitted under
12		the provisions of Article 11 of Chapter 130A of the Gener	al Statutes that does
43		not discharge to a treatment facility or the surface waters	of the State.
44	(7)<u>(9)</u>	"Person" means all persons, including individuals, f	firms, partnerships,
15		associations, public or private institutions, municipa	alities, or political
46		subdivisions, governmental agencies, or private or priv	
47		organized and existing under the laws of this State or	any other state or
48		country.	
49	<u>(10)</u>	"Private Compliance Inspector" means a person who is hi	-
50		a wastewater system, the local health department, cont	
51		engineer, or Authorized On-Site Wastewater Evaluation	tor to perform an

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		inspection of a new on-site wastewater system or for the	repair of an existing
		on-site wastewater system permitted under the provision	
		Chapter 130A of the General Statutes. The owner of	
		wastewater system being constructed or repaired shall sig	* *
		document accepting the Private Compliance Inspector.	
	(8) (1)	1) "Wastewater treatment facility" means a mechanical or	chemical treatment
	· · /	facility serving a site with multiple wastewater sources.	
"§ 90A-72	2. Cer	tification required; applicability.	
(a)	Certit	fication Required No person shall construct, install, o	r repair or offer to
construct,		, or repair an on-site wastewater system permitted under A	
130A of t	the Ge	neral Statutes without being certified as a contractor at the	he required level of
certificatio	on for	the specified system. No person shall conduct an inspection	n or offer to conduct
an inspect	tion of	an on-site wastewater system as permitted under Article 11	of Chapter 130A of
the Genera	al Statı	ites without being certified in accordance with the provision	ns of this Article. No
		duct an evaluation or offer to conduct an evaluation of an	
		tted under Article 11 of Chapter 130A of the General Sta	
•	-	uthorized on-site wastewater evaluator. No person shall	
		e inspection of an on-site wastewater system for compliance	
	-	Authorization issued by a local health department or a	
		pursuant to G.S. 130A-336.1 or G.S. 130A-336.2 unless of	
complianc			_
(b)	Appli	cability. – This Article does not apply to the following:	
	(1)	A person who is employed by a certified contractor or ins	pector in connection
		with the construction, installation, repair, or inspec	-
		wastewater system performed under the direct and person	al supervision of the
		certified contractor or inspector in charge.	•
	(2)	A person who constructs, installs, or repairs an on-site	wastewater system
		described as a single septic tank with a gravity-fed gra	
		media when located on land owned by that person and th	
		for use by that person and members of that person's im-	
		reside in the same dwelling.	•
	(3)	A person licensed under Article 1 of Chapter 87 of the C	eneral Statutes who
		constructs or installs an on-site wastewater system anci	llary to the building
		being constructed or who provides corrective services and	
		wastewater system ancillary to the building being constru	
	(4)	A person who is certified by the Water Pollution Control	
		Certification Commission and contracted to provide nece	
		maintenance on the permitted on-site wastewater system.	• •
	(5)	A person permitted under Article 21 of Chapter 143 of	
		who is constructing a water pollution control facility neces	
		the terms and conditions of a National Pollutant Dis	
		System (NPDES) permit.	C
	(6)	A person licensed under Article 1 of Chapter 87 of the C	General Statutes as a
		licensed public utilities contractor who is installing or exp	
		treatment facility, including a collection system, desig	-
		professional engineer.	• •
	(7)	A plumbing contractor licensed under Article 2 of Chapt	er 87 of the General
		Statutes, so long as the plumber is not performing plumbin	
		the installation or repair of a septic tank or similar de	-
		treatment or pretreatment tank or system, or lines, tank	
		downstream from the point where the house or building	
		- 0	

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1 2 3 4 5 6 7 8 9	(8)	plumbing system meet the septic tank or similar depo- shall not be construed to require a plumbing contracter a contractor pursuant to this section to install or interceptor, or separator upstream from a septic tank of complies with the requirements of the local health de A person employed by the Department, a local health health district, when conducting a regulatory in wastewater system for purposes of determining comp	or to become certified as r repair a grease trap, or similar depository that partment. th department, or a local spection of an on-site
9 10	 "§ 90A-75. Expe	proce and face	
10	· · ·	uses. – All salaries, compensation, and expenses incu	urred or allowed for the
12	_	ying out this Article shall be paid by the Board exclusion	
13		Board as authorized by this Article. No salary, expense	
14		charged against the General Fund of the State. Neither	
15	members or emp	loyees may incur any expense, debt, or financial obli	gation binding upon the
16	State.		
17		ibutions The Board may accept grants, contribution	
18		e same account as the funds deposited in accordance w	ith this Article and other
19 20	provisions of the		Decad The Decad shall
20 21		– All fees shall be established in rules adopted by the ficient to pay the costs of administering this Article, I	
21		e at an annual rate in excess of the following:	but in no event shan the
23	(1)	Application for basic certificationgrade level II	\$150.00 \$200.00
24	(1) (2)	Application for each grade level <u>IV</u>	\$50.00 \$300.00
25	(3)	Certification renewal for:	<u>\$100.00</u>
26		a. <u>Contractor or point of sale inspector</u>	\$75.00
27		b. <u>Authorized on-site wastewater evaluator</u>	<u>\$100.00</u>
28		<u>c.</u> <u>Private compliance inspector</u>	<u>\$100.00</u>
29	(4)	Reinstatement of revoked or suspended	
30	(-)	Certification	\$500.00
31	(5)	Application for on-site wastewater	¢200.00
32	(\mathbf{c})	system inspector	\$200.00
33 34	(6)	Application for authorized on-site wastewater evaluator	<u>\$300.00.<u>\$</u>300.00</u>
35	(7)	Application for private compliance inspector	\$300.00.
36	<u> </u>	f Fees. – All fees collected pursuant to this Article sh	
37	· · /	Board for the sole purpose of administering this Article	5
38	•	. – The Board is subject to the oversight of the State A	
39	of Chapter 147 of	f the General Statutes.	
40			
41		ification requirements.	
42		ication. – The Board shall issue a certificate of the appr	copriate grade level to an
43		tisfies all of the following conditions:	
44 45	(1) (2)	Is at least 18 years of age. Submits a properly completed application with	all required supporting
45 46	(2)	documents for the certification being applied for to the	
40 47	(3)	Completes the basic on site wastewater education p	
48		Board for the specific grade level. For grade level I	
49		applicant shall satisfy the following conditions:	
50		a. <u>Complete the basic on-site wastewater edu</u>	cation approved by the
51		Board for any level.	

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1		b. <u>Complete any additional class hours required for s</u>	grade level II.
2	<u>(3a)</u>	For grade level IV contractor certification applicant shall s	
3	<u></u>	conditions:	<u>_</u>
4		<u>a.</u> <u>Hold current and satisfactory certification of g</u>	rade level II for a
5		minimum of two years prior to application for gra	
6		b. Complete any additional class hours required for s	
7	<u>(3b)</u>	For inspector certification applicant shall satisfy the follo	
8	<u>(00)</u>	<u>a.</u> <u>Complete the point of sale inspector education app</u>	
9		b. Complete any additional class hours required	
10		inspector certification.	
11		c. Hold current and satisfactory certification of grade	level IV contractor
12		or authorized on-site evaluator or subsurface operation	
13		minimum of two years.	
14	<u>(3c)</u>	For authorized on-site wastewater evaluator applican	t shall satisfy the
15	<u>(30)</u>	following conditions:	t shun sutsiy the
16		<u>a.</u> <u>Complete the authorized on-site wastewater e</u>	evaluator education
17		approved by the Board.	valuator education
18	(3d)	For private compliance inspector applicant shall sat	isfy the following
19	<u>(34)</u>	conditions:	<u>isty the tonowing</u>
20		<u>a.</u> <u>Complete the private compliance inspector educat</u>	ion approved by the
20		Board.	ion approved by the
22		b. <u>Complete any additional class hours required</u>	by the Board for
23		<u>complete any additional class nours required</u>	by the board for
23 24		c. Have a minimum of 5 years of experience as a	certified contractor
25		authorized on-site wastewater evaluator, subsur	
26		registered environmental health specialist.	nuce operator, or a
20 27		<u>d.</u> Not be employed by a local health department.	
28	(4)	Repealed by Session Laws 2010-31, s. 13.2(1), effective J	ulv 1 2010
20 29	(5)	Completes any additional training program designed by the	-
30	(\mathbf{J})	the grade level for which the applicant is applying.	ne Doard speeme to
31	(6)	Pays the applicable fees set by the Board for the particu	ilar application and
32	(0)	grade level.application.	and application and
33	(7)	For the specific grade level, as determined by the Boa	rd passes Passes a
34	(\prime)	written or oral examination that tests the applicant's prof	· •
35		following areas:	lefency in an of the
36		a. Principles of public and environmental health ass	ociated with on-site
30 37		wastewater systems.	ociated with on-site
38		b. Principles of construction and safety.	
39		c. Technical and practical knowledge of on-site v	vastewater systems
40		typical to the specified grade level.systems.	waste water systems
40 41		d. Laws and rules related to the installation, cons	struction renair or
42		inspection point of sale inspection, evaluation, or	· •
43		inspection of the specified on-site wastewater syst	
44	(b) Locat	ion of Examinations. – The Board shall provide a	
45	. ,	th year; one each in the eastern, central, and western regions	
45 46		applicant for an exam shall submit complete package to Bo	
40 47		or to exam date to be considered eligible for the exam.	and no rater than 13
48	• •	oval of Certification Programs. – The Board may issue	a certificate <u>at the</u>
40 49		e level to an applicant who has completed an approved tra	
49 50	education progra		uning of continuing
50	concation progra		

1 2	(d) No Degree Required. – An applicant shall not be required to hold or obtain an educational diploma or degree to obtain a certificate. An applicant that meets all the conditions		
$\frac{2}{3}$	for certification except for passage of the Board examination may take the examination on three		
4	successive occasions without having to file for a new application, pay an additional application		
5	fee, or repeat any applicable training program. If the applicant fails to pass the Board examination		
6	on three successive occasions, the applicant must reapply to the Board, pay an additional		
7	application fee, and repeat the training program.		
8	(e) Certificate. – The certification shall show the full name of the certificate holder. The		
9	certificate shall provide a unique identification number and shall be signed by the Chair. Issuance		
10	of the certificate by the Board shall be prima facie evidence that the person named therein is		
11	entitled to all the rights and privileges of a certified contractor or inspector, at the grade level		
12	specified on the certificate, certificate, inspector, authorized on-site wastewater evaluator, or		
13	private compliance inspector while the certificate remains in effect.		
13	(f) Replacement Certificate. – A new certificate to replace one lost, destroyed, or		
15	mutilated shall be issued subject to rules adopted by the Board and with the payment of a fee set		
16	by the Board. The fee for a duplicate or replacement certificate shall not exceed twenty-five		
17	dollars (\$25.00).		
18	"§ 90A-78. Certification renewal.		
19	(a) Renewal. – All certifications shall expire at intervals determined by the Board on		
20	November 15 of each year unless they are renewed. In no event may the interval determined by		
21	the Board be less than one year. To renew a certification, a contractor or inspector contractor,		
22	inspector, authorized on-site wastewater evaluator, or private compliance inspector must meet		
23	all of the following conditions:		
24	(1) Submit an application for renewal on the form prescribed by the Board.Board,		
25	which includes all supporting documents requested on the renewal form.		
26	(2) Meet the <u>following</u> continuing education requirements prescribed by the		
27	Board-requirement:		
28	a. Grade level II contractor: <u>3 hours per year.</u>		
29	b. Grade level IV contractor: 6 hours per year.		
30			
31	c.Point of sale inspector:6 hours per year.d.Authorized on-site evaluator:12 hours per year.e.Private compliance inspector:12 hours per year.		
32	e. Private compliance inspector: 12 hours per year.		
33	f. For persons holding more than one certification issued by the Board,		
34	the higher annual hours continuing education requirement of all		
35	certificates held.		
36	(3) Pay the certification renewal fee.		
37	(b) Late Fee A contractor or inspector with an expired certificate may renew the		
38	certification within 90 days of its expiration upon payment of a late fee set by the Board. The late		
39	fee shall not exceed twenty-five dollars (\$25.00). If a certification is not renewed within 90 days		
40	of its expiration, the certification shall not be renewed, and the holder must apply for a new		
41	certificate.Late fees shall be payable for any renewable fee paid after the due date.		
42	(c) <u>Renewal process for expired certifications.</u> – The renewal process for expired		
43	certificates for contractors, point of sale inspectors, authorized on-site wastewater evaluators, and		
44	private compliance inspectors shall be as follows:		
45	(1) Within 90 days of its expiration, an expired certificate may be renewed upon		
46	payment of the certification renewal fee in G.S. 90A-75(c)(3) and the late fee		
47	established pursuant to subsection (b) of this section.		
48	(2) Between 91 days and 24 months of its expiration, an expired certificate may		
49	be renewed upon submittal of an application for recertification, the		
50	certification renewal fee in G.S. $90A-75(c)(3)$, total of continuing education		

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1	required annually for certificate, and passing grade for examination	required for
2	certificate.	<u>+</u>
3	(3) After 24 months of its expiration, no certificate may be renew	ed. The holder
4	of a certificate expired for more than 24 months shall apply for	
5	certificate.	
6	"§ 90A-79. Continuing education.	
7	(a) Requirements. – The Board shall require continuing education as	a condition of
8	certification and renewal. The Board shall determine the number of hours, based	
9	applied for, certifications held, up to a maximum of 12 hours per year, and the	subject material
10	for the specified grade level. The Board shall maintain records of contin	uing education
11	coursework successfully completed by each certified contractor or inspector.	
12	(b) Approval of Continuing Education Programs. – The Board may appro	•
13	education program or course if the Board finds that the program or course	±
14	educational information or experience that will enhance the construction, inst	-
15	repair, evaluation, or inspection of on-site wastewater systems. Request f	
16	continuing education programs or courses shall be submitted to the Board for re-	
17	than two weeks prior to a regularly scheduled Board meeting and prior to the c	
18	The Board shall not issue retroactive approvals for any continuing education pro	•
19	Approvals shall be granted on an annual calendar year basis. The Board may de	evelop and offer
20	continuing education programs.	
21	"§ 90A-80. Investigation of complaints.	
22 23	(a) Misconduct. – A person may refer to the Board charges of fraud, dec	
23 24	incompetence, or misconduct against any certified contractor or inspector. The in writing and sworn to by the complainant and submitted to the Board. These	U
24 25	dismissed without a hearing by the Board as unfounded or trivial, shall be heard	-
25 26	by the Board in accordance with the provisions of Chapter 150B of the Gene	
20 27	association that receives professional recognition of its own certification proce	
28	shall be responsible for the conduct and competency of its members.	ss by the Dourd
29	(b) Records. – The Board shall establish and maintain detailed rec	cords regarding
30	complaints concerning each certified contractor contractor, authorized on-	
31	evaluator, private compliance inspector, or point of sale inspector. The records sh	
32	certified by recognized associations. The records shall also detail the levels of c	
33	by each contractor contractor, authorized on-site wastewater evaluator, priv	
34	inspector, or point of sale inspector.	-
35	(c) Notification. – The Board shall provide local health departments with	h notification of
36	changes in certifications, complaints, suspensions, or reinstatements under th	is Article. This
37	requirement may be satisfied electronically via the Environmental Health Listser	<u>v maintained by</u>
38	the Department.	
39	"§ 90A-81. Remedies.	
40	(a) Denial, Suspension, and Revocation of Certification. – The Board may	y deny, suspend,
41	or revoke a certificate under this Article for:	
42	(1) A violation of this Article or a rule of the Board.	
43	(2) The use of fraud or deceit in obtaining or renewing a certifica	
44	(3) Any act of gross negligence, incompetence, or misconduct in t	
45 46	(4) Installation, repair, or inspection of an on-site wastewater sys	
46 47	(4) Failure to satisfactorily complete continuing education	requirements
47 48	prescribed by the Board.	adura to recolue
48 49	(b) Arbitration. – The Board may establish a voluntary arbitration proce complaints concerning a certified contractor or inspector or any work performed	
49 50	contractor or inspector, or conflicts involving any certified contractor or inspector or inspect	•
51	Division of Public Health of the Department or a local health department.	poolor and the
<i></i>	Division of i done frontar of the Department of a focul neural department.	

General Assembly Of North Carolina Session 2023 Injunction. - The Board may in its own name seek an injunction to restrain any 1 (c) 2 person, firm, partnership, or corporation from violating the provisions of this Article or rules adopted by the Board. The Board may bring an action for an injunction in the superior court of 3 4 any county in which the violator resides or the violator's principal place of business is located. In 5 any proceedings for an injunction, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result 6 7 from the continued violation. Members of the Board shall not be personally or professionally 8 liable for any act or omission pursuant to this subsection. The Board shall not be required to post 9 a bond in connection with any action to obtain an injunction. 10 Offenses. – A person who commits any one or more of the following offenses is guilty (d) 11 of a Class 2 misdemeanor: 12 (1)Engages in or offers to engage in the construction, installation, repair, repair, 13 evaluation, or inspection of an on-site wastewater system without the 14 appropriate certificate for the grade level of on-site wastewater 15 system.certification. Gives false or forged evidence of any kind in obtaining a certificate. 16 (2)17 Falsely impersonates a certified contractor-contractor, authorized on-site (3) 18 wastewater evaluator, private compliance inspector, or point of sale 19 inspector." 20 21 ALLOW PRIVATE COMPLIANCE INSPECTORS TO INSPECT CERTAIN ON-SITE 22 WASTEWATER SYSTEMS 23 **SECTION 4.5.** G.S. 130A-337 is amended by adding two new subsections to read: 24 "(a2) Notwithstanding subsection (a) of this section, an applicant may contract with a 25 private compliance inspector certified pursuant to Article 5 of Chapter 90A of the General 26 Statutes to conduct any required verifications or inspections of an on-site wastewater system for 27 compliance with the designs of a Construction Authorization issued by a local health department 28 or an Authorization to Construct issued pursuant to G.S. 130A-336.1 or G.S. 130A-336.2 when 29 all of the following criteria are met: 30 The private compliance inspector is not the contractor of the on-site (1)wastewater system being inspected or employed by the contractor of the 31 32 on-site wastewater system being inspected. 33 The private compliance inspector holds sufficient errors and omissions and (2)34 general liability insurance for the project being inspected. 35 The private compliance inspector documents the compliance inspection with (3) 36 the common form developed or approved by the North Carolina On-Site 37 Wastewater Contractors and Inspectors Certification Board. The compliance inspection document shall show any as-builts as approved at the site and 38 39 conveyed to the owner or authorized agency. 40 The private compliance inspector delivers the completed compliance (4) inspection form to the owner of the on-site wastewater system being inspected 41 42 within two business days of the completed inspection. The local health department shall issue the Operation Permit or Authorization to Operate upon 43 receipt of the completed compliance inspection document. 44 The Department, the Department's authorized agents, and the local health department 45 (a3) shall be discharged and released from any liabilities, duties, and responsibilities imposed by 46 statute or common law from any claim arising out of or attributed to an on-site wastewater system 47 48 inspected pursuant to this subsection." 49 50 **INCREASE FEES FOR LICENSED SOIL SCIENTISTS**

SECTION 4.6. G.S. 89F-25 reads as rewritten:

51

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"§ 89F-25. Fees		
(a) The E	Board shall determine fees for the following servic	es that shall not exceed the
amounts specifie	-	
Applicati	on	\$ 50.00 <u>\$80.00</u>
	on for corporate certificate of licensure	\$100.00
Renewal	of corporate certificate of licensure	\$100.00
License	*	85.00 \$185.00
Renewal		85.00 \$180.00
Restoratio	n	110.00 \$125.00
Replacem	nent license	50.00 <u>\$100.00</u>
Seal		30.00. \$75.00.
(b) The E	Board may charge the applicant the actual cost of	preparation, administration,
and grading of ex	caminations for soil scientists, in addition to its other	er fees."
REGISTERED	ENVIRONMENTAL HEALTH SPECIAL	ISTS DEFENSE AND
LIABILITY		
SECT	FION 4.7. G.S. 143-300.8 reads as rewritten:	
"§ 143-300.8.]	Defense of local sanitarians.<u>reg</u>istered environ	<u>mental health specialists.</u>
<u>regist</u>	tered environmental health specialist interns, and	<u>l registered environmental</u>
healt	h associates.	
<u>(a)</u> The fe	ollowing definitions apply in this section:	
<u>(1)</u>	Department. – The Department of Health and Hur	
<u>(2)</u>	Local health department. – Defined in G.S. 130A	<u>-2(5).</u>
<u>(3)</u>	Registered environmental health associate. – Defi	
<u>(4)</u>	Registered environmental health specialist. – Def	
<u>(5)</u>	Registered environmental health specialist	intern. – Defined in
	<u>G.S. 90A-51(5).</u>	
	cal health departments shall enter into an annual agree	-
*	onmental health services in accordance with Cha	-
	unual agreement shall include a requirement for	<u>quality</u> assurance for all
environmental he		
-	ocal health department sanitarian Except as provide	
	ny registered environmental health specialist, regis	
· •	or registered environmental health associate enforci	0
	h under the supervision <u>authority</u> of the Departm	
-	t to G.S. 130A-4 shall be defended by the Attorn	•
-	S. 143-300.4, and shall be protected from liability	
-	is Article in any civil or criminal action or proc	0 0 0
	-registered environmental health specialist, registered environmental health specialist, registered environmental health specialist.	
	or registered environmental health associate in	
· ·	n, on account of an act done or omission made i	1
0	es of the Commission for Public Health. The Depar	
-		
	y <u>half of</u> any judgment against the sanitarian, regis	
	ered environmental health specialist intern, or regis	stered environmental health
associate, or any	ered environmental health specialist intern, or regist settlement made on his their behalf, subject to the provident of the p	stered environmental health ovisions of G.S. 143-300.6.
associate, or any The local health	ered environmental health specialist intern, or regist settlement made on his their behalf, subject to the pr department employing or contracting with the regist	stered environmental health ovisions of G.S. 143-300.6. stered environmental health
associate, or any The local health specialist, register	ered environmental health specialist intern, or regist settlement made on his their behalf, subject to the pre- department employing or contracting with the registered environmental health specialist intern, or registered environmental health specialist intern healthealth specialist intern healthea	stered environmental health ovisions of G.S. 143-300.6. stered environmental health stered environmental health
associate, or any The local health specialist, registe associate at the ti	ered environmental health specialist intern, or regis settlement made on his their behalf, subject to the pr department employing or contracting with the regis ered environmental health specialist intern, or regis ime of the underlying act or omission giving rise to	stered environmental health ovisions of G.S. 143-300.6. stered environmental health stered environmental health
associate, or any The local health specialist, registe associate at the ti shall pay half of	ered environmental health specialist intern, or regist settlement made on his their behalf, subject to the pre- department employing or contracting with the registered environmental health specialist intern, or registered environmental health specialist intern healthealth specialist intern healthea	stered environmental health ovisions of G.S. 143-300.6. stered environmental health stered environmental health the judgment or settlement

1	department that has not entered into an annual agreement as required by subsection (b) of this		
2	section shall not be defended by the Attorney General or have their judgement or settlement paid		
3	by the Department. The local health department shall be required to pay any judgement against		
4	the registered environmental health specialist, registered environmental health specialist intern,		
5	or registered environmental health associate or any settlement on their behalf for any act or		
6	omission made in the scope and course of enforcing the rules of the Commission for Public		
7	Health.		
8	(e) <u>A registered environmental health specialist, registered environmental health</u>		
9	specialist intern, or registered environmental health associate shall not be defended by the		
10	Attorney General or protected from liability for any claim arising from an act or omission made		
11	in the scope and course of enforcing a local rule adopted pursuant to G.S. 130A-335(c)."		
12	In the scope and course of emotening a local full adopted pursuant to 0.5. 150/1 555(c).		
12	WATER SUPPLY WELL SETBACK CHANGES		
13	SECTION 4.8.(a) Definitions. – For purposes of this section and its implementation,		
15	"Construction Standards Rule" means 15A NCAC 02C .0107 (Standards of Construction: Water		
16	Supply Wells).		
17	SECTION 4.8.(b) Construction Standards Rule. – Until the effective date of the		
18	revised permanent rule that the Environmental Management Commission is required to adopt		
18 19			
	pursuant to subsection (d) of this section, the Commission shall implement the Construction Standarda Dula as provided in subsection (a) of this section		
20	Standards Rule as provided in subsection (c) of this section. SECTION 4.8.(c) Implementation. – The horizontal separation between a water		
21			
22	supply well and potential sources of groundwater contamination that exist at the time the well is		
23	constructed shall be no less than 50 feet for any single-family dwelling with septic tank and		
24	drainfield, including the drainfield repair area in saprolite system as described in the 15A NCAC		
25	18E rules.		
26	SECTION 4.8.(d) Additional Rulemaking Authority. – The Commission shall adopt		
27	a rule to amend the Construction Standards Rule consistent with subsection (c) of this section.		
28	Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section		
29	shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted		
30	pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General		
31	Statutes. Rules adopted pursuant to this section shall become effective as provided in		
32	G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in		
33	G.S. 150B-21.3(b2).		
34	SECTION 4.8.(e) Sunset. – This section expires when permanent rules adopted as		
35	required by subsection (d) of this section become effective.		
36			
37	CLARIFY CHANGES TO ON-SITE WASTEWATER STATUTES		
38	SECTION 4.9.(a) G.S. 130A-336.1(<i>l</i>), as amended by Section 3 of S.L. 2023-90,		
39	reads as rewritten:		
40	"(<i>l</i>) Reporting Requirements. –		
41	(1) The owner of the wastewater system shall submit the following to the local		
42	health department: department prior to receiving a Certificate of Occupancy		
43	from the appropriate inspection department:		
44	a. A copy of the professional engineer's report required pursuant to		
45	G.S. 130A-336.1(k)(1).		
46	b. A copy of the operations and management program.		
47	c. Repealed by Session Laws 2023-90, s. 3, effective July 10, 2023.		
48	d. A letter that documents the owner's acceptance of the system from the		
49	professional engineer.		
	professional engineer.		

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1 2 3	(2)	The owner of any wastewater system that is subject to section shall deliver to the Department copies of the described G.S. $130A-336.1(k)(1)$.	. ,
4	<u>(3)</u>	Within two business days of receiving the documenta	ation required pursuant
5		to subdivision (1) of this subsection, the local health	
6		the appropriate inspections department. If the local he	-
7		notify the inspections department within two business	-
8		wastewater system may submit the Authorization to Op	* * * *
9 10	SEC	inspections department and receive a Certificate of Oc	
10	as rewritten:	FION 4.9.(b) G.S. 130A-336.2, as amended by Section 4	+ 01 S.L. 2025-90, feads
12		Alternative wastewater system approvals for noneng	ineered systems
12	§ 150A-550.2.	Alternative wastewater system approvals for noneng	meereu systems.
13		reviewing the Authorized On-Site Wastewater Evalua	tor's report. the owner
15		ming acceptance and receipt of the report. The owner	-
16	-	ocal health department: department prior to receiving a C	
17	-	iate inspection department:	<u> </u>
18	(1)	A copy of the Authorized On-Site Wastewater Evalu	ator's report, including
19		the Authorization to Operate.	
20	(2)	A copy of the operations and management program est	ablished for the system
21		by the Authorized On-Site Wastewater Evaluator.	
22	(3)	The fee established pursuant to subsection (n) of this s	section.
23	(4)	A copy of the document confirming acceptance and a	receipt of the report by
24		the owner.	
25		n two business days of receiving the documentation	
26		this section, the local health department shall notify the	
27	-	e local health department fails to notify the inspections	÷
28		e owner of the wastewater system may submit the Auth	-
29	the appropriate in	nspections department and receive a Certificate of Occup	pancy.
30	" SEC	$\mathbf{FION} \mathbf{AO}(\mathbf{r}) = \mathbf{C} \mathbf{C} \mathbf{C} 1 20 \mathbf{A} 22 \mathbf{C} 1 \mathbf{(r)} = \mathbf{c} \mathbf{r} \mathbf{r} \mathbf{r} \mathbf{r} 1 1 1 \mathbf{r} \mathbf{C} \mathbf{c} \mathbf{r}$	
31		FION 4.9.(c) G.S. 130A-336.1(o), as amended by Sect	tion 3 of S.L. 2023-90,
32 33	reads as rewritten		onized numericant to this
33 34		ge in System Ownership. – A wastewater system auth ransferrable to a new owner with the consent of the pro-	-
34 35		he professional engineer shall enter a contract for the wa	
36		ge in ownership of the site for the wastewater system."	iste water system. <u>not be</u>
37		FION 4.9.(d) G.S. 130A-336.2(o), as amended by Sect	tion 4 of SL 2023-90
38	reads as rewritten		lion 1 of 5.11. 2025 90,
39		ge in System Ownership. – A wastewater system auth	orized pursuant to this
40		transferrable to a new owner with the consent of the	
41		uator. The new owner and the Authorized On Site Was	
42	enter a contract f	or the wastewater system.not be affected by change of o	wnership of the site for
43	the wastewater s		•
44	SEC	FION 4.9.(e) This section is effective retroactively to Ju	ıly 10, 2023.
45			-
46		N-SITE WASTEWATER RULES	
47		FION 4.10.(a) Definitions. – For purposes of	
48	-	"Applicability Rule" means 15A NCAC 18E .0102 (App	• /
49		FION 4.10.(b) Applicability Rule. – Until the effection	
50	permanent rule th	hat the Commission for Public Health is required to adopt	t pursuant to subsection

1 (d) of this section, the Commission shall implement the Applicability Rule as provided in 2 subsection (c) of this section.

3 SECTION 4.10.(c) Implementation. – The provisions of 15A NCAC 18E .0206 shall 4 apply to any wastewater system for which an operation permit, authorization to operate, 5 certificate of completion, or an equivalent approval has been issued prior to January 1, 2024. 6 Wastewater systems permitted on or after July 1, 1977, shall comply with the setback 7 requirements in 15A NCAC 18E. When a wastewater system that was installed on or after July 8 1, 1977, is expanded, modified, or repaired, and the wastewater strength is not increasing, any 9 existing wastewater system components that are not crushed, broken, damaged, or otherwise 10 rendered unusable or ineffective so that the component will not function as designed shall not be required to meet the requirements of 15A NCAC 18E. All components shall comply with the 11 12 setback requirements in 15A NCAC 18E. When a wastewater system that was installed prior to 13 July 1, 1977, is expanded, modified, or repaired, and the wastewater strength is not increasing, 14 any existing wastewater system components that are not crushed, broken, damaged, or otherwise 15 rendered unusable or ineffective so that the component will not function as designed shall not be 16 required to meet the requirements of 15A NCAC 18E except as follows: setbacks to drinking water wells shall not be reduced; and setbacks to surface water bodies specified in 15A NCAC 17 18 18E .0601. shall not be reduced by more than 50 percent. Existing wastewater systems for which 19 no permit can be found and with no evidence that the wastewater system was installed in violation 20 of Article 11 of Chapter 130A of the General Statutes and the rules in effect at the time of 21 installation shall be considered to have an operation permit or its equivalent in accordance with 22 this Rule.

23 **SECTION 4.10.(d)** Additional Rulemaking Authority. – The Commission shall 24 adopt a rule to amend the Applicability Rule consistent with subsection (c) of this section. 25 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section 26 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted 27 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General 28 Statutes. Rules adopted pursuant to this section shall become effective as provided in 29 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 30 G.S. 150B-21.3(b2).

31 SECTION 4.10.(e) Sunset. – This section expires when permanent rules adopted as
 32 required by subsection (d) of this section become effective.

33 **SECTION 4.11.(a)** Definitions. – For purposes of this section and its 34 implementation, "Definitions Rule" means 15A NCAC 18E .0105 (Definitions).

SECTION 4.11.(b) Definitions Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Definitions Rule as provided in subsection (c) of this section.

39 **SECTION 4.11.(c)** Implementation. – "Artificial drainage systems" shall include 40 foundation drains with cuts greater than two feet. "Collection sewer" shall not include any appurtenances used to transport waste within a wastewater system. "Full kitchen" means a 41 42 kitchen that contains either domestic or commercial equipment and is used for cooking or 43 preparing foods onsite. "Normal water level" means the water level within a pond, lake, or other type of impoundment, natural or man-made, at the elevation of the outlet structure or spillway, 44 45 such as the elevation of the permanent pool. "Warming kitchen" means a kitchen that contains 46 domestic equipment and is used for plating or dispensing food prepared or cooked at another 47 local. The definition of "Stream" shall be deleted. "Intermittent stream" means a well-defined 48 channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the perched or seasonal high water table. The flow of an intermittent stream 49 50 may be supplemented by stormwater runoff. "Perennial stream" means a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below 51

1 the perched or seasonal high water table for most of the year. Groundwater is the primary source 2 of water for a perennial stream, but perennial streams may also carry stormwater runoff. SECTION 4.11.(d) Additional Rulemaking Authority. - The Commission shall 3 4 adopt a rule to amend the Definitions Rule consistent with subsection (c) of this section. 5 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section 6 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted 7 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General 8 Statutes. Rules adopted pursuant to this section shall become effective as provided in 9 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 10 G.S. 150B-21.3(b2). 11 **SECTION 4.11.(e)** Sunset. – This section expires when permanent rules adopted as 12 required by subsection (d) of this section become effective. 13 Definitions. - For purposes of this section and its **SECTION 4.12.(a)** 14 implementation, "Application Rule" means 15A NCAC 18E .0202 (Application). 15 SECTION 4.12.(b) Application Rule. – Until the effective date of the revised 16 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection 17 (d) of this section, the Commission shall implement the Application Rule as provided in 18 subsection (c) of this section. 19 **SECTION 4.12.(c)** Implementation. – Prior to the repair of a wastewater system, an 20 application shall be submitted to the local health department. 21 **SECTION 4.12.(d)** Additional Rulemaking Authority. – The Commission shall 22 adopt a rule to amend the Application Rule consistent with subsection (c) of this section. 23 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section 24 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted 25 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General 26 Statutes. Rules adopted pursuant to this section shall become effective as provided in 27 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 28 G.S. 150B-21.3(b2). 29 **SECTION 4.12.(e)** Sunset. – This section expires when permanent rules adopted as 30 required by subsection (d) of this section become effective. 31 Definitions. - For purposes of this section and its **SECTION 4.13.(a)** 32 implementation, "Improvement Permit Rule" means 15A NCAC 18E .0203 (Improvement 33 Permit). 34 SECTION 4.13.(b) Improvement Permit Rule. – Until the effective date of the 35 revised permanent rule that the Commission for Public Health is required to adopt pursuant to 36 subsection (d) of this section, the Commission shall implement the Improvement Permit Rule as 37 provided in subsection (c) of this section. 38 **SECTION 4.13.(c)** Implementation. – An improvement permit shall be applicable 39 to both initial and repair dispersal field areas identified and approved on the improvement permit. 40 SECTION 4.13.(d) Additional Rulemaking Authority. – The Commission shall 41 adopt a rule to amend the Improvement Permit Rule consistent with subsection (c) of this section. 42 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section 43 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 44 45 Statutes. Rules adopted pursuant to this section shall become effective as provided in 46 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 47 G.S. 150B-21.3(b2).

48 SECTION 4.13.(e) Sunset. – This section expires when permanent rules adopted as
 49 required by subsection (d) of this section become effective.

Definitions. - For purposes of this section and its 1 **SECTION 4.14.(a)** 2 implementation, "Construction Authorization Rule" means 15A NCAC 18E .0204 (Construction 3 Authorization). 4 **SECTION 4.14.(b)** Construction Authorization Rule. – Until the effective date of 5 the revised permanent rule that the Commission for Public Health is required to adopt pursuant 6 to subsection (d) of this section, the Commission shall implement the Construction Authorization 7 Rule as provided in subsection (c) of this section. 8 SECTION 4.14.(c) Implementation. - The construction authorization shall also 9 specify the initial water system type and layout, location of all initial wastewater system 10 components, and design details and specifications for supply lines and force mains. SECTION 4.14.(d) Additional Rulemaking Authority. – The Commission shall 11 12 adopt a rule to amend the Construction Authorization Rule consistent with subsection (c) of this 13 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this 14 section shall be substantively identical to the provisions of subsection (c) of this section. Rules 15 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the 16 General Statutes. Rules adopted pursuant to this section shall become effective as provided in 17 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 18 G.S. 150B-21.3(b2). 19 **SECTION 4.14.(e)** Sunset. – This section expires when permanent rules adopted as 20 required by subsection (d) of this section become effective. 21 **SECTION 4.15.(a)** Definitions. - For purposes of this section and its 22 implementation, "Existing System Approvals for Reconnections and Property Additions Rule" 23 means 15A NCAC 18E .0206 (Existing System Approvals for Reconnections and Property 24 Additions). 25 **SECTION 4.15.(b)** Existing System Approvals for Reconnections and Property 26 Additions Rule. - Until the effective date of the revised permanent rule that the Commission for 27 Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall 28 implement the Existing System Approvals for Reconnections and Property Additions Rule as 29 provided in subsection (c) of this section. 30 SECTION 4.15.(c) Implementation. – The local health department, an Authorized 31 On-Site Wastewater Evaluator, or a certified inspector may issue an existing system approval 32 when there is no increase in design daily flow or wastewater strength for the following: 1) a 33 reconnection for a new or improved facility, or 2) a site modification that requires a building 34 permit, such as a swimming pool or storage shed. Existing system approvals as described in 35 Paragraph (a) of this Rule shall be issued by an authorized agent, Authorized On-Site Wastewater 36 Evaluator, or certified inspector upon determination of the following: 1) there is no current or 37 past uncorrected malfunction of the system as described in 15A NCAC .1303(a)(2); 2) the design 38 daily flow and wastewater strength for the proposed facility do not exceed that of the existing 39 system; and 3) the proposed facility or site modification meets the setbacks in 15A NCAC .0600. 40 The existing system approval expires one year after the date of issuance. When an approval cannot be issued in accordance with this Rule, a signed, written report shall be provided by the 41 42 authorized agent, Authorized On-Site Wastewater Evaluator, or certified inspector, as applicable, 43 to the applicant describing the reasons for the denial, citing the applicable rule. The local health 44 department shall include notice of the right to appeal under G.S. 130A-24 and Chapter 150B of 45 the General Statutes. Notwithstanding this Rule, the owner of a wastewater system may elect to 46 utilize the Affidavit for Existing Wastewater System Approval offered pursuant to 47 G.S. 160D-1110(h1) to obtain a wastewater system approval and any necessary permits.

48 **SECTION 4.15.(d)** Additional Rulemaking Authority. – The Commission shall 49 adopt a rule to amend the Existing System Approvals for Reconnections and Property Additions 50 Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule 51 adopted by the Commission pursuant to this section shall be substantively identical to the

1 provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject 2 to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this 3 section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written 4 objections had been received as provided in G.S. 150B-21.3(b2). 5 **SECTION 4.15.(e)** Sunset. – This section expires when permanent rules adopted as 6 required by subsection (d) of this section become effective. 7 Definitions. - For purposes of this section and its **SECTION 4.16.(a)** 8 implementation, "Alternative Wastewater System Permitting Options Rule" means 15A NCAC 9 18E .0207 (Alternative Wastewater System Permitting Options). 10 **SECTION 4.16.(b)** Alternative Wastewater System Permitting Options Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required 11 12 to adopt pursuant to subsection (d) of this section, the Commission shall implement the 13 Alternative Wastewater System Permitting Options Rule as provided in subsection (c) of this 14 section. 15 **SECTION 4.16.(c)** Implementation. – An Engineer Option Permit may be used if 16 the wastewater system design requires a professional engineer in accordance with 15A NCAC 17 .0303(a). The Notice of Intent submitted pursuant to this Rule shall include the signed and sealed 18 signature of the licensed soil scientist or licensed geologist releasing the soils report to be used 19 in the issuance of the Notice of Intent. 20 SECTION 4.16.(d) Additional Rulemaking Authority. – The Commission shall 21 adopt a rule to amend the Alternative Wastewater System Permitting Options Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the 22 23 Commission pursuant to this section shall be substantively identical to the provisions of 24 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of 25 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall 26 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections 27 had been received as provided in G.S. 150B-21.3(b2). 28 SECTION 4.16.(e) Sunset. – This section expires when permanent rules adopted as 29 required by subsection (d) of this section become effective. 30 **SECTION 4.17.(a)** Definitions. - For purposes of this section and its 31 implementation, "Owners Rule" means 15A NCAC 18E .0301 (Owners). 32 SECTION 4.17.(b) Owners Rule. – Until the effective date of the revised permanent 33 rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this 34 section, the Commission shall implement the Owners Rule as provided in subsection (c) of this 35 section. 36 **SECTION 4.17.(c)** Implementation. – An easement or encroachment agreement 37 shall be required for the permitting of any of the following installations: (1) any part of the 38 wastewater system is located in a common area with other wastewater systems; (2) any part of 39 the wastewater system is located in an area with multiple or third-party ownership or control; (3) 40 any part of the wastewater system is proposed to be in an off-site area; or (4) any part of the 41 wastewater system and the facility are located on different lots or tracts of land and cross a 42 property line or right-of-way. Any necessary easements, rights-of-ways, or encroachment agreements shall specify in a deed by metes and bounds description the area or site required for 43 44 the wastewater system and repair area, including force mains and supply lines. 45 SECTION 4.17.(d) Additional Rulemaking Authority. – The Commission shall 46 adopt a rule to amend the Owners Rule consistent with subsection (c) of this section. 47 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section 48 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted 49 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General 50 Statutes. Rules adopted pursuant to this section shall become effective as provided in 1 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 2 G.S. 150B-21.3(b2).

3 SECTION 4.17.(e) Sunset. – This section expires when permanent rules adopted as
 4 required by subsection (d) of this section become effective.

5 SECTION 4.18.(a) Definitions. – For purposes of this section and its
6 implementation, "Local Health Department and Department Rule" means 15A NCAC 18E .0302
7 (Local Health Department and Department).

8 **SECTION 4.18.(b)** Local Health Department and Department Rule. – Until the 9 effective date of the revised permanent rule that the Commission for Public Health is required to 10 adopt pursuant to subsection (d) of this section, the Commission shall implement the Local 11 Health Department and Department Rule as provided in subsection (c) of this section.

12 **SECTION 4.18.(c)** Implementation. – When a local health department issues a 13 notice of violation to an owner of a wastewater system pursuant to this rule, the local health 14 department may pursue legal remedies no sooner than 30 days after the date of the notice of 15 violation, unless the notice of violation specifies a shorter time frame. The local health 16 department shall issue a notice of violation to the owner when an individual advanced 17 pretreatment system at a single site is out of compliance in accordance with 15A NCAC 18E 18 .1302(f). The authorized agent shall issue a written notice of non-compliance to the owner when 19 the wastewater system is non-compliant with Article 11 of Chapter 130A of the General Statutes, 20 the Rules of this Subchapter, or conditions in the operation permit or authorization to operate. 21 The local health department shall submit a monthly activity report to the Department every month 22 on a form provided by the Department. The monthly activity report collects information on the 23 numbers and types of permits issued by the local health department. The local health department 24 shall adhere to Article 11 of Chapter 130A of the General Statutes, the Rules of this Subchapter, 25 and all written guidance and interpretations from the Department.

26 SECTION 4.18.(d) Additional Rulemaking Authority. – The Commission shall 27 adopt a rule to amend the Local Health Department and Department Rule consistent with 28 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the 29 Commission pursuant to this section shall be substantively identical to the provisions of 30 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of 31 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall 32 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections 33 had been received as provided in G.S. 150B-21.3(b2).

34 SECTION 4.18.(e) Sunset. – This section expires when permanent rules adopted as
 35 required by subsection (d) of this section become effective.

36 SECTION 4.19.(a) Definitions. – For purposes of this section and its
 37 implementation, "Licensed or Certified Professionals Rule" means 15A NCAC 18E .0303
 38 (Licensed or Certified Professionals).

39 SECTION 4.19.(b) Licensed or Certified Professionals Rule. – Until the effective 40 date of the revised permanent rule that the Commission for Public Health is required to adopt 41 pursuant to subsection (d) of this section, the Commission shall implement the Licensed or 42 Certified Professionals Rule as provided in subsection (c) of this section.

43 SECTION 4.19.(c) Implementation. – A local health department shall not require a
 44 North Carolina Professional Engineer to design either of the following: 1) pressure dispersal
 45 systems or pressure dosed gravity systems with a design daily flow greater than 600 gallons per
 46 day serving a single design unit, or 2) two or more septic tanks or advanced pretreatment units,
 47 each serving a separate design unit and served by a common dosing tank.

48 **SECTION 4.19.(d)** Additional Rulemaking Authority. – The Commission shall 49 adopt a rule to amend the Licensed or Certified Professionals Rule consistent with subsection (c) 50 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant 51 to this section 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 1 2 the General Statutes. Rules adopted pursuant to this section shall become effective as provided 3 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided 4 in G.S. 150B-21.3(b2). 5 **SECTION 4.19.(e)** Sunset. – This section expires when permanent rules adopted as 6 required by subsection (d) of this section become effective. 7 **SECTION 4.20.(a)** Definitions. - For purposes of this section and its 8 implementation, "Design Daily Flow Rule" means 15A NCAC 18E .0401 (Design Daily Flow). 9 SECTION 4.20.(b) Design Daily Flow Rule. – Until the effective date of the revised 10 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Design Daily Flow Rule as provided in 11 12 subsection (c) of this section. 13 **SECTION 4.20.(c)** Implementation. – In calculating design daily flow, the designer 14 is not required to use the maximum building occupancy assigned by the local fire marshal. The 15 design daily flow for a recreational park trailer or park model trailer 400 square feet or less in a 16 recreational vehicle park is 120 gallons per space. The design daily flow for a food establishment 17 with multiuse articles is 25 gallons per seat open 6 hours per day or less, or 40 gallons per seat 18 when open 6 to 16 hours per day and shall not be based on square footage of floor space. The 19 design daily flow for a food establishment with single service articles is 20 gallons per seat open 20 6 hours per day or less, or 30 gallons per seat when open 6 to 16 hours per day and shall not be 21 based on square footage of floor space. The design daily flow for rest homes, assisted living 22 homes, group homes, and nursing homes shall increase by 60 gallons per day per resident 23 employee, regardless of the presence of laundry facilities. The design daily flow for drug 24 rehabilitation, mental health, and other care institutions shall be 12 gallons per day per employee 25 working an 8-hour shift or less or 60 gallons per day per resident employee, increasing by 2 26 gallons per employee per hour when an employee works more than an 8-hour shift. The design 27 daily flow for fitness center, spas, karate, dance, and exercise shall be 5 gallons per person, 28 increasing by 10 gallons per person if the facility includes showers. The design daily flow for 29 day schools with a gymnasium only shall be 9 gallons per day per student. Day care facilities 30 shall be reclassified as "family child care home or child care centers." 31 **SECTION 4.20.(d)** Additional Rulemaking Authority. – The Commission shall 32 adopt a rule to amend the Design Daily Flow Rule consistent with subsection (c) of this section. 33 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section 34 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted 35 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General 36 Statutes. Rules adopted pursuant to this section shall become effective as provided in 37 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 38 G.S. 150B-21.3(b2).

39 SECTION 4.20.(e) Sunset. – This section expires when permanent rules adopted as
 40 required by subsection (d) of this section become effective.

41 **SECTION 4.21.(a)** Definitions. – For purposes of this section and its 42 implementation, "Available Space Rule" means 15A NCAC 18E .0508 (Available Space).

43 SECTION 4.21.(b) Available Space Rule. – Until the effective date of the revised
 44 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
 45 (d) of this section, the Commission shall implement the Available Space Rule as provided in
 46 subsection (c) of this section.

47 **SECTION 4.21.(c)** Implementation. – The repair area requirement of Paragraph (a) 48 of this Rule shall not apply to a lot of tract of land if that lot or tract is described in a recorded 49 deed or a recorded plat on or before January 1, 1983. The Department of Health and Human 50 Services shall specify the information required for a wastewater system to be approved with a 51 two-year field demonstration. Wastewater systems with a rated capacity greater than 1,500 gallons per day that have a letter from NSF International stating that the system will comply with
 NSF/ANSI Standard 350 may eliminate the requirement for a repair area when installed in Group
 I soils.

4 **SECTION 4.21.(d)** Additional Rulemaking Authority. – The Commission shall 5 adopt a rule to amend the Available Space Rule consistent with subsection (c) of this section. 6 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section 7 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted 8 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General 9 Statutes. Rules adopted pursuant to this section shall become effective as provided in 10 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). 11

SECTION 4.21.(e) Sunset. – This section expires when permanent rules adopted as
 required by subsection (d) of this section become effective.

SECTION 4.22.(a) Definitions. – For purposes of this section and its
 implementation, "Location of Wastewater Systems Rule" means 15A NCAC 18E .0601
 (Location of Wastewater Systems).

SECTION 4.22.(b) Location of Wastewater Systems Rule. – Until the effective date
 of the revised permanent rule that the Commission for Public Health is required to adopt pursuant
 to subsection (d) of this section, the Commission shall implement the Location of Wastewater
 Systems Rule as provided in subsection (c) of this section.

21 SECTION 4.22.(c) Implementation. – The minimum setback for a private drinking 22 water well or upslope spring serving a single-family dwelling unit from a wastewater system 23 permitted or installed in saprolite shall be 50 feet. Building foundation and any structural supports 24 requiring a footing or other load bearing construction in the North Carolina Building Code shall 25 have a horizontal setback of five feet. Appurtenant structures, stairs, or landing structures 26 designed specifically to be set directly on the ground and do not require footings; sidewalks; 27 pavers; lighting fixtures; or signage shall have a horizontal setback of one foot. Top of slope of 28 embankment or cuts of two feet or more vertical height with a slope less than or equal to 33 29 percent are not required to have a horizontal setback. Downslope interceptor or foundation drains 30 and surface water diversions with a vertical cut of more than two feet, as measured on the ground 31 surface from the edge of the feature shall have a horizontal setback of 15 feet. Upslope and 32 sideslope interceptor or foundation drains and surface water diversions with a vertical cut of more 33 than two feet, as measured on the ground surface from the edge of the feature shall have a 34 horizontal setback of 10 feet. There shall be no horizontal setbacks from underground utilities. 35 Collection sewers, force mains, and supply lines shall be located the minimum setbacks to site 36 features shown in Table IX of this Rule, unless a different minimum setback is specified in Table 37 XII of this Rule. If a supply line or force main is installed under areas subject to vehicular traffic 38 or areas subject to soil disturbance or compaction, one of the following pipe materials shall be 39 ductile iron pipe; a minimum of Schedule 40 Polyvinyl Chloride, Polyethylene, or used: 40 Acrylonitrile-Butadiene-Styrene pipe sleeved in ductile iron pipe; a minimum of Schedule 40 Polyvinyl Chloride, Polyethylene, or Acrylonitrile-Butadiene-Styrene pipe sleeved in 41 42 Department of Transportation traffic rated culvert pipe; a minimum of Schedule 40 Polyvinyl 43 Chloride, Polyethylene, or Acrylonitrile-Butadiene-Styrene pipe with 30 inches of compacted 44 material provided over the crown of the pipe; or other pipe materials may be proposed when 45 designed, inspected, and certified by a Professional Engineer and approved by the local health 46 department. When a reduced setback to a collection sewer, force main, or supply line is utilized, 47 the piping requirements for the reduced setback shall be extended to comply with the unreduced 48 setback. Table XII in this Rule shall be renamed Minimum setbacks from collection sewers, force 49 mains, and supply lines to site features. Force main or supply line shall be added with collection 50 sewer in 15A NCAC 18E .0601(1), (m), (o), (p), and Table XII. Wastewater systems may be located closer than 100 feet but never less than 50 feet from water supply wells or an upslope 51
spring for repairs, space limitations, and other site-planning considerations when one of the 1 2 following conditions is met: 1) the well was constructed prior to July 1, 1993, in accordance with 3 15A NCAC 18A .1720; or 2) a variance for a reduced well setback has been issued in accordance 4 with one of the following: a) 15A NCAC 02C .0118 for a shared water supply well or for a 5 transient non-community public water supply well; or b) 15A NCAC 18C .0203(b) for a 6 non-transient non-community public water system. 7 SECTION 4.22.(d) Additional Rulemaking Authority. – The Commission shall 8 adopt a rule to amend the Location of Wastewater Systems Rule consistent with subsection (c) 9 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant 10 to this section 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 11 12 the General Statutes. Rules adopted pursuant to this section shall become effective as provided 13 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided 14 in G.S. 150B-21.3(b2). 15 **SECTION 4.22.(e)** Sunset. – This section expires when permanent rules adopted as 16 required by subsection (d) of this section become effective. 17 **SECTION 4.23.(a)** Definitions. - For purposes of this section and its 18 implementation, "Collection Sewers Rule" means 15A NCAC 18E .0701 (Collection Sewers). 19 SECTION 4.23.(b) Collection Sewers Rule. – Until the effective date of the revised 20 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection 21 (d) of this section, the Commission shall implement the Collection Sewers Rule as provided in 22 subsection (c) of this section. 23 **SECTION 4.23.(c)** Implementation. – Collection sewers for wastewater systems 24 with a design daily flow greater than 3,000 gallons per day shall be designed and constructed in 25 accordance with the criteria established in this Rule. 26 SECTION 4.23.(d) Additional Rulemaking Authority. – The Commission shall 27 adopt a rule to amend the Collection Sewers Rule consistent with subsection (c) of this section. 28 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section 29 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted 30 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General 31 Statutes. Rules adopted pursuant to this section shall become effective as provided in 32 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 33 G.S. 150B-21.3(b2). 34 SECTION 4.23.(e) Sunset. – This section expires when permanent rules adopted as 35 required by subsection (d) of this section become effective. 36 **SECTION 4.24.(a)** Definitions. - For purposes of this section and its 37 implementation, "Raw Sewage Lift Stations Rule" means 15A NCAC 18E .0702 (Raw Sewage 38 Lift Stations). 39 **SECTION 4.24.(b)** Raw Sewage Lift Stations Rule. – Until the effective date of the 40 revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Raw Sewage Lift Stations 41 42 Rule as provided in subsection (c) of this section. 43 SECTION 4.24.(c) Implementation. - Raw sewage lift stations for wastewater 44 systems with a design daily flow greater than 3,000 gallons per day shall meet all setbacks for 45 wastewater systems in accordance with Table IX of Rule 15A NCAC 18E .0601. Raw sewage 46 lift stations for wastewater systems with a design daily flow greater than 3,000 gallons per day 47 shall be designed and constructed in accordance with the criteria established in this Rule. 48 SECTION 4.24.(d) Additional Rulemaking Authority. - The Commission shall 49 adopt a rule to amend the Raw Sewage Lift Stations Rule consistent with subsection (c) of this 50 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules 51

adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the 1 2 General Statutes. Rules adopted pursuant to this section shall become effective as provided in 3 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 4 G.S. 150B-21.3(b2). 5 **SECTION 4.24.(e)** Sunset. – This section expires when permanent rules adopted as 6 required by subsection (d) of this section become effective. 7 SECTION 4.25.(a) Definitions. - For purposes of this section and its 8 implementation, "Pipe Materials Rule" means 15A NCAC 18E .0703 (Pipe Materials). 9 SECTION 4.25.(b) Pipe Materials Rule. – Until the effective date of the revised 10 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Pipe Materials Rule as provided in 11 12 subsection (c) of this section. 13 **SECTION 4.25.(c)** Implementation. – The gravity pipe between a septic tank, 14 gravity distribution device, and the dispersal field shall have a minimum fall of 1/8-inch per foot 15 if the installation requirements of Paragraph (b) of this Rule are met. 16 **SECTION 4.25.(d)** Additional Rulemaking Authority. – The Commission shall 17 adopt a rule to amend the Pipe Materials Rule consistent with subsection (c) of this section. 18 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section 19 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted 20 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General 21 Statutes. Rules adopted pursuant to this section shall become effective as provided in 22 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 23 G.S. 150B-21.3(b2). 24 **SECTION 4.25.(e)** Sunset. – This section expires when permanent rules adopted as 25 required by subsection (d) of this section become effective. 26 **SECTION 4.26.(a)** Definitions. - For purposes of this section and its 27 implementation, "Septic Tank Capacity Requirements Rule" means 15A NCAC 18E .0801 28 (Septic Tank Capacity Requirements). 29 SECTION 4.26.(b) Septic Tank Capacity Requirements Rule. – Until the effective 30 date of the revised permanent rule that the Commission for Public Health is required to adopt 31 pursuant to subsection (d) of this section, the Commission shall implement the Septic Tank 32 Capacity Requirements Rule as provided in subsection (c) of this section. 33 **SECTION 4.26.(c)** Implementation. – The minimum septic tank capacity serving 34 two or more dwelling units shall be sized in accordance with Table XV of this Rule. This Rule 35 shall not include any requirements that conflict with the 2018 North Carolina Plumbing Code. 36 SECTION 4.26.(d) Additional Rulemaking Authority. – The Commission shall 37 adopt a rule to amend the Septic Tank Capacity Requirements Rule consistent with subsection 38 (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 39 pursuant to this section shall be substantively identical to the provisions of subsection (c) of this 40 section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 41 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as 42 provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as 43 provided in G.S. 150B-21.3(b2). 44 **SECTION 4.26.(e)** Sunset. – This section expires when permanent rules adopted as 45 required by subsection (d) of this section become effective. 46 **SECTION 4.27.(a)** Definitions. - For purposes of this section and its 47 implementation, "Tank Leak Testing and Installation Requirements Rule" means 15A NCAC 48 18E .0805 (Tank Leak Testing and Installation Requirements). 49 **SECTION 4.27.(b)** Tank Leak Testing and Installation Requirements Rule. – Until

50 the effective date of the revised permanent rule that the Commission for Public Health is required

to adopt pursuant to subsection (d) of this section, the Commission shall implement the Tank
 Leak Testing and Installation Requirements Rule as provided in subsection (c) of this section.

3 SECTION 4.27.(c) Implementation. – Tanks shall be only leak tested when required 4 in the approved plans and specifications for a wastewater system designed by a professional 5 engineer or an Authorized On-Site Wastewater Evaluator, or when the tank is constructed in 6 place at the jobsite by a person not approved by the Department as a tank manufacturer using 7 bricks, blocks, or poured in place in concrete. The local health department shall be required to 8 document the observation of the leak testing. The septic tank outlet pipe shall be inserted through 9 the outlet pipe penetration boot, creating a watertight joint, and extending beyond the septic tank 10 outlet by any amount, with no minimum extension required. The septic tank outlet pipe and pump tank outlet pipe shall be placed on undisturbed soil, compacted soil, or bedded in accordance 11 12 with 15A NCAC 18E .0703(b) to prevent differential settling of the pipe.

SECTION 4.27.(d) Additional Rulemaking Authority. – The Commission shall 13 14 adopt a rule to amend the Tank Leak Testing and Installation Requirements Rule consistent with 15 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the 16 Commission pursuant to this section shall be substantively identical to the provisions of 17 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of 18 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall 19 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections 20 had been received as provided in G.S. 150B-21.3(b2).

SECTION 4.27.(e) Sunset. – This section expires when permanent rules adopted as
 required by subsection (d) of this section become effective.

SECTION 4.28.(a) Definitions. – For purposes of this section and its
 implementation, "General Design and Installation Criteria for Subsurface Dispersal Systems
 Rule" means 15A NCAC 18E .0901 (General Design and Installation Criteria for Subsurface
 Dispersal Systems).

SECTION 4.28.(b) General Design and Installation Criteria for Subsurface Dispersal Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the General Design and Installation Criteria for Subsurface Dispersal Systems Rule as provided in subsection (c) of this section.

32 SECTION 4.28.(c) Implementation. – The minimum required infiltrative surface 33 area and trench length shall be calculated when high strength effluent is proposed to be 34 discharged to a dispersal field with no advanced pretreatment as required in 15A NCAC 35 .0402(b)(1) or has not been reclassified as domestic strength effluent in accordance with 15A 36 NCAC .0402(c), a licensed professional, if required by Chapters 89C, 89E, or 89F, shall calculate 37 the adjusted long term acceptance rate in accordance with 15A NCAC .0402(b)(2). Wastewater 38 system installation for serial and sequential distribution shall be approved by the authorized agent 39 when the step-down or drop box in an individual trench is constructed to allow full utilization of 40 the upstream trench prior to overflowing to the next downslope trench in accordance with the 41 following criteria: 1) step-downs shall be constructed of a minimum of two feet of undisturbed 42 soil, bedding material, or concrete and the effluent shall be conveyed over the step-down through 43 Schedule 40 Polyvinyl Chloride or other pipe approved in accordance with 15A NCAC .0703(f). 44 Nonperforated corrugated polyethylene tubing may be used on sites with slopes greater than 25%. 45 The installer shall demonstrate that the step-downs perform as designed. The authorized agent 46 shall approve the step-downs when the installation and elevations have been verified in 47 accordance with the construction authorization; or drop boxes shall be separated from the trench 48 by a minimum of two feet of undisturbed soil and constructed to allow for full utilization of the 49 upstream trench prior to overflowing to the next lower drop box. The installer shall demonstrate 50 that the drop boxes perform as designed. The authorized agent shall approve the drop boxes when

the installation and elevations have been verified in accordance with the construction 1 2 authorization. 3 **SECTION 4.28.(d)** Additional Rulemaking Authority. – The Commission shall 4 adopt a rule to amend the General Design and Installation Criteria for Subsurface Dispersal 5 Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), 6 the rule adopted by the Commission pursuant to this section shall be substantively identical to 7 the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not 8 subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant 9 to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more 10 written objections had been received as provided in G.S. 150B-21.3(b2). SECTION 4.28.(e) Sunset. – This section expires when permanent rules adopted as 11 12 required by subsection (d) of this section become effective. 13 **SECTION 4.29.(a)** Definitions. - For purposes of this section and its 14 implementation, "Conventional Wastewater Systems Rule" means 15A NCAC 18E .0902 15 (Conventional Wastewater Systems). 16 **SECTION 4.29.(b)** Conventional Wastewater Systems Rule. – Until the effective 17 date of the revised permanent rule that the Commission for Public Health is required to adopt 18 pursuant to subsection (d) of this section, the Commission shall implement the Conventional 19 Wastewater Systems Rule as provided in subsection (c) of this section. 20 SECTION 4.29.(c) Implementation. – Aggregate used in trenches shall be clean, 21 washed gravel or crushed stone and graded or sized in accordance with size numbers 4, 467M, 22 5, 6, 57, or 67 of ASTM D448. 23 **SECTION 4.29.(d)** Additional Rulemaking Authority. – The Commission shall 24 adopt a rule to amend the Conventional Wastewater Systems Rule consistent with subsection (c) 25 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant 26 to this section shall be substantively identical to the provisions of subsection (c) of this section. 27 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of 28 the General Statutes. Rules adopted pursuant to this section shall become effective as provided 29 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided 30 in G.S. 150B-21.3(b2). 31 **SECTION 4.29.(e)** Sunset. – This section expires when permanent rules adopted as 32 required by subsection (d) of this section become effective. 33 **SECTION 4.30.(a)** Definitions. - For purposes of this section and its 34 implementation, "Large Diameter Pipe Systems Rule" means 15A NCAC 18E .0904 (Large 35 Diameter Pipe Systems). 36 **SECTION 4.30.(b)** Large Diameter Pipe Systems Rule. – Until the effective date of 37 the revised permanent rule that the Commission for Public Health is required to adopt pursuant 38 to subsection (d) of this section, the Commission shall implement the Large Diameter Pipe 39 Systems Rule as provided in subsection (c) of this section. 40 SECTION 4.30.(c) Implementation. – Large diameter pipe systems shall not be used with food service establishments or other facilities where the fats, oils, and grease exceed the 41 42 limit of domestic strength effluent. Backfill shall not be limited to Soil Groups I, II, or III. 43 **SECTION 4.30.(d)** Additional Rulemaking Authority. – The Commission shall 44 adopt a rule to amend the Large Diameter Pipe Systems Rule consistent with subsection (c) of 45 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to 46 this section shall be substantively identical to the provisions of subsection (c) of this section. 47 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of 48 the General Statutes. Rules adopted pursuant to this section shall become effective as provided 49 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided 50 in G.S. 150B-21.3(b2).

SECTION 4.30.(e) Sunset. – This section expires when permanent rules adopted as 1 2 required by subsection (d) of this section become effective. 3 **SECTION 4.31.(a)** Definitions. - For purposes of this section and its 4 implementation, "Prefabricated Permeable Block Panel Systems Rule" means 15A NCAC 18E 5 .0905 (Prefabricated Permeable Block Panel Systems). 6 **SECTION 4.31.(b)** Prefabricated Permeable Block Panel Systems Rule. – Until the 7 effective date of the revised permanent rule that the Commission for Public Health is required to 8 adopt pursuant to subsection (d) of this section, the Commission shall implement the 9 Prefabricated Permeable Block Panel Systems Rule as provided in subsection (c) of this section. 10 **SECTION 4.31.(c)** Implementation. – Prefabricated permeable block panel systems shall not be used with food service establishments or other facilities where the fats, oil, and grease 11 12 exceed the limit of domestic strength effluent. 13 **SECTION 4.31.(d)** Additional Rulemaking Authority. – The Commission shall 14 adopt a rule to amend the Prefabricated Permeable Block Panel Systems Rule consistent with 15 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the 16 Commission pursuant to this section shall be substantively identical to the provisions of 17 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of 18 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall 19 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections 20 had been received as provided in G.S. 150B-21.3(b2). 21 **SECTION 4.31.(e)** Sunset. – This section expires when permanent rules adopted as 22 required by subsection (d) of this section become effective. 23 **SECTION 4.32.(a)** Definitions. - For purposes of this section and its 24 implementation, "Sand Lined Trench Systems Rule" means 15A NCAC 18E .0906 (Sand Lined 25 Trench Systems). 26 SECTION 4.32.(b) Sand Lined Trench Systems Rule. – Until the effective date of 27 the revised permanent rule that the Commission for Public Health is required to adopt pursuant 28 to subsection (d) of this section, the Commission shall implement the Sand Lined Trench Systems 29 Rule as provided in subsection (c) of this section. 30 SECTION 4.32.(c) Implementation. – There shall be no depth requirement for the 31 naturally occurring receiving permeable horizon for any soil or site, nor shall advanced 32 pretreatment be required if the receiving permeable horizon is greater than 60 inches below the 33 naturally occurring soil surface. 34 SECTION 4.32.(d) Additional Rulemaking Authority. – The Commission shall 35 adopt a rule to amend the Sand Lined Trench Systems Rule consistent with subsection (c) of this 36 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this 37 section shall be substantively identical to the provisions of subsection (c) of this section. Rules 38 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the 39 General Statutes. Rules adopted pursuant to this section shall become effective as provided in 40 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 41 G.S. 150B-21.3(b2). 42 **SECTION 4.32.(e)** Sunset. – This section expires when permanent rules adopted as 43 required by subsection (d) of this section become effective. 44 Definitions. - For purposes of this section and its **SECTION 4.33.(a)** 45 implementation, "Low Pressure Pipe Systems Rule" means 15A NCAC 18E .0907 (Low Pressure 46 Pipe Systems). 47 **SECTION 4.33.(b)** Low Pressure Pipe Systems Rule. – Until the effective date of 48 the revised permanent rule that the Commission for Public Health is required to adopt pursuant 49 to subsection (d) of this section, the Commission shall implement the Low Pressure Pipe Systems

50 Rule as provided in subsection (c) of this section.

SECTION 4.33.(c) Implementation. – The minimum required dispersal field area 1 2 and trench length shall be calculated when high strength effluent is proposed to be discharge to 3 a low pressure pipe field with no advanced pretreatment as required in 15A NCAC 18E 4 .0402(b)(1) or has not been reclassified as domestic strength effluent in accordance with 15A 5 NCAC .0402(c), a licensed professional, if required by Chapters 89C, 89E, or 89F of the General 6 Statutes, shall calculate the long term acceptance rate in accordance with 15A NCAC 18E 7 .0402(b)(2). 8 **SECTION 4.33.(d)** Additional Rulemaking Authority. – The Commission shall 9 adopt a rule to amend the Low Pressure Pipe Systems Rule consistent with subsection (c) of this 10 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules 11 12 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the 13 General Statutes. Rules adopted pursuant to this section shall become effective as provided in 14 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 15 G.S. 150B-21.3(b2). 16 **SECTION 4.33.(e)** Sunset. – This section expires when permanent rules adopted as 17 required by subsection (d) of this section become effective. 18 **SECTION 4.34.(a)** Definitions. - For purposes of this section and its 19 implementation, "Drip Dispersal Systems Rule" means 15A NCAC 18E .0908 (Drip Dispersal 20 Systems). 21 **SECTION 4.34.(b)** Drip Dispersal Systems Rule. – Until the effective date of the 22 revised permanent rule that the Commission for Public Health is required to adopt pursuant to 23 subsection (d) of this section, the Commission shall implement the Drip Dispersal Systems Rule 24 as provided in subsection (c) of this section. 25 **SECTION 4.34.(c)** Implementation. – Drip dispersal systems receiving domestic 26 strength effluent shall meet the soil and site criteria identified in 15A NCAC .0908(c). 27 SECTION 4.34.(d) Additional Rulemaking Authority. – The Commission shall 28 adopt a rule to amend the Drip Dispersal Systems Rule consistent with subsection (c) of this 29 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this 30 section shall be substantively identical to the provisions of subsection (c) of this section. Rules 31 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the 32 General Statutes. Rules adopted pursuant to this section shall become effective as provided in 33 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 34 G.S. 150B-21.3(b2). 35 **SECTION 4.34.(e)** Sunset. – This section expires when permanent rules adopted as 36 required by subsection (d) of this section become effective. 37 **SECTION 4.35.(a)** Definitions. - For purposes of this section and its 38 implementation, "Fill Systems Rule" means 15A NCAC 18E .0909 (Fill Systems). 39 **SECTION 4.35.(b)** Fill Systems Rule. – Until the effective date of the revised 40 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection 41 (d) of this section, the Commission shall implement the Fill Systems Rule as provided in 42 subsection (c) of this section. 43 **SECTION 4.35.(c)** Implementation. – New fill systems shall only be installed on 44 sites with uniform slops less than 15 percent. 45 SECTION 4.35.(d) Additional Rulemaking Authority. – The Commission shall 46 adopt a rule to amend the Fill Systems Rule consistent with subsection (c) of this section. 47 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section 48 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted 49 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General 50 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 1 2 G.S. 150B-21.3(b2). 3 **SECTION 4.35.(e)** Sunset. – This section expires when permanent rules adopted as 4 required by subsection (d) of this section become effective. 5 **SECTION 4.36.(a)** Definitions. - For purposes of this section and its 6 implementation, "Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design 7 Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule" means 15A NCAC 18E .1202 (Siting 8 and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or 9 Equal to 1,500 Gallons/Day). 10 **SECTION 4.36.(b)** Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule. - Until the effective 11 12 date of the revised permanent rule that the Commission for Public Health is required to adopt 13 pursuant to subsection (d) of this section, the Commission shall implement the Siting and Sizing 14 Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to 15 1,500 Gallons/Day Rule as provided in subsection (c) of this section. 16 **SECTION 4.36.(c)** Implementation. – Sandy clay loam saprolite may be used with 17 advanced pretreatment meeting NSF/ANSI 40, Treatment Standard I, or Treatment Standard II 18 effluent standards. 19 **SECTION 4.36.(d)** Additional Rulemaking Authority. – The Commission shall 20 adopt a rule to amend the Siting and Sizing Criteria for Advanced Pretreatment Systems with a 21 Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule consistent with subsection (c) 22 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant 23 to this section shall be substantively identical to the provisions of subsection (c) of this section. 24 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of 25 the General Statutes. Rules adopted pursuant to this section shall become effective as provided 26 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided 27 in G.S. 150B-21.3(b2). 28 SECTION 4.36.(e) Sunset. – This section expires when permanent rules adopted as 29 required by subsection (d) of this section become effective. 30 **SECTION 4.37.(a)** Definitions. - For purposes of this section and its 31 implementation, "Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design 32 Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule" 33 means 15A NCAC 18E .1203 (Siting and Sizing Criteria for Advanced Pretreatment Systems 34 with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 35 Gallons/Day). 36 **SECTION 4.37.(b)** Siting and Sizing Criteria for Advanced Pretreatment Systems 37 with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 38 Gallons/Day Rule. - Until the effective date of the revised permanent rule that the Commission 39 for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission 40 shall implement the Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design 41 Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule 42 as provided in subsection (c) of this section.

43 SECTION 4.37.(c) Implementation. – Sandy clay loam saprolite may be used with 44 advanced pretreatment meeting NSF/ANSI 40, Treatment Standard I, or Treatment Standard II 45 effluent standards, or with advanced pretreatment with a design daily flow greater than 3,000 46 gallons per day.

SECTION 4.37.(d) Additional Rulemaking Authority. – The Commission shall 47 48 adopt a rule to amend the Siting and Sizing Criteria for Advanced Pretreatment Systems with a 49 Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 50 Gallons/Day Rule consistent with subsection (c) of this section. Notwithstanding 51 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be

substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant 1 2 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. 3 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), 4 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2). 5 **SECTION 4.37.(e)** Sunset. – This section expires when permanent rules adopted as 6 required by subsection (d) of this section become effective. 7 **SECTION 4.38.(a)** Definitions. - For purposes of this section and its 8 implementation, "Advanced Pretreatment Sand Lined Trench Systems Rule" means 15A NCAC 9 18E .1205 (Advanced Pretreatment Sand Lined Trench Systems). 10 **SECTION 4.38.(b)** Advanced Pretreatment Sand Lined Trench Systems Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is 11 12 required to adopt pursuant to subsection (d) of this section, the Commission shall implement the 13 Advanced Pretreatment Sand Lined Trench Systems Rule as provided in subsection (c) of this 14 section. 15 **SECTION 4.38.(c)** Implementation. – Trench length for trench dispersal products 16 approved with a specific dispersal field reduction in area or trench length when receiving 17 domestic strength effluent in accordance with this Subchapter or a provisional Innovative or 18 Accepted approval shall be calculated in accordance with this Subchapter or the provisional 19 Innovative or Accepted approval. 20 SECTION 4.38.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Advanced Pretreatment Sand Lined Trench Systems Rule consistent 21 22 with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the 23 Commission pursuant to this section shall be substantively identical to the provisions of 24 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of 25 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall 26 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections 27 had been received as provided in G.S. 150B-21.3(b2). 28 SECTION 4.38.(e) Sunset. – This section expires when permanent rules adopted as 29 required by subsection (d) of this section become effective. 30 **SECTION 4.39.(a)** Definitions. - For purposes of this section and its 31 implementation, "Operation and Maintenance of Wastewater Systems Rule" means 15A NCAC 32 18E .1301 (Operation and Maintenance of Wastewater Systems). 33 SECTION 4.39.(b) Operation and Maintenance of Wastewater Systems Rule. -34 Until the effective date of the revised permanent rule that the Commission for Public Health is 35 required to adopt pursuant to subsection (d) of this section, the Commission shall implement the 36 Operation and Maintenance of Wastewater Systems Rule as provided in subsection (c) of this 37 section. 38 SECTION 4.39.(c) Implementation. – System Classification Type IIa shall be 39 described as a conventional system with 750 linear feet of trench or less. System Classification 40 Type IIIa shall be deleted. 41 **SECTION 4.39.(d)** Additional Rulemaking Authority. – The Commission shall 42 adopt a rule to amend the Operation and Maintenance of Wastewater Systems Rule consistent 43 with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the 44 Commission pursuant to this section shall be substantively identical to the provisions of 45 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of 46 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall 47 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections 48 had been received as provided in G.S. 150B-21.3(b2). 49 **SECTION 4.39.(e)** Sunset. – This section expires when permanent rules adopted as

50 required by subsection (d) of this section become effective.

SECTION 4.40.(a) Definitions. – For purposes of this section and its
 implementation, "Local Health Department Responsibilities for Wastewater System Operation
 and Maintenance Rule" means 15A NCAC 18E .1305 (Local Health Department Responsibilities
 for Wastewater System Operation and Maintenance).

5 **SECTION 4.40.(b)** Local Health Department Responsibilities for Wastewater 6 System Operation and Maintenance Rule. – Until the effective date of the revised permanent rule 7 that the Commission for Public Health is required to adopt pursuant to subsection (d) of this 8 section, the Commission shall implement the Local Health Department Responsibilities for 9 Wastewater System Operation and Maintenance Rule as provided in subsection (c) of this 10 section.

11 SECTION 4.40.(c) Implementation. – The authorized agent shall issue a written 12 notice of non-compliance to the owner when the wastewater system is not malfunctioning in 13 accordance with 15A NCAC 18E .1303(a)(2), but non-compliant with the performance standards 14 in the operation permit or the authorization to operate.

15 SECTION 4.40.(d) Additional Rulemaking Authority. – The Commission shall 16 adopt a rule to amend the Local Health Department Responsibilities for Wastewater System 17 Operation and Maintenance Rule consistent with subsection (c) of this section. Notwithstanding 18 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be 19 substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant 20 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. 21 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), 22 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

23 SECTION 4.40.(e) Sunset. – This section expires when permanent rules adopted as
 24 required by subsection (d) of this section become effective.

SECTION 4.41.(a) Definitions. – For purposes of this section and its
 implementation, "System Malfunction and Repair Rule" means 15A NCAC 18E .1306 (System
 Malfunction and Repair).

SECTION 4.41.(b) System Malfunction and Repair Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the System Malfunction and Repair Rule as provided in subsection (c) of this section.

32 **SECTION 4.41.(c)** Implementation. – This Rule identifies the responsibilities of the 33 local health department and the owner when a system is malfunctioning, totally or partially 34 destroyed, or otherwise determined to require repair. Best professional judgment may be used 35 when the improvement permit, construction authorization, notice of intent to construct, or 36 authorization to operate indicates the repair area and system type. The authorized agent, 37 Authorized On-Site Wastewater Evaluator, or Professional Engineer may use their best 38 professional judgment to repair facilities with either a malfunctioning wastewater system 39 installed prior to July 1, 1977 or a wastewater disposal method installed prior to July 1, 1977, if 40 the method has been in continual use and acts as the sole source of wastewater disposal.

41 **SECTION 4.41.(d)** Additional Rulemaking Authority. – The Commission shall 42 adopt a rule to amend the System Malfunction and Repair Rule consistent with subsection (c) of 43 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to 44 this section shall be substantively identical to the provisions of subsection (c) of this section. 45 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of 46 the General Statutes. Rules adopted pursuant to this section shall become effective as provided 47 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided 48 in G.S. 150B-21.3(b2).

49 SECTION 4.41.(e) Sunset. – This section expires when permanent rules adopted as
 50 required by subsection (d) of this section become effective.

Definitions. - For purposes of this section and its 1 **SECTION 4.42.(a)** 2 implementation, "Plans for Prefabricated Tanks Rule" means 15A NCAC 18E .1401 (Plans for 3 Prefabricated Tanks). 4 **SECTION 4.42.(b)** Plans for Prefabricated Tanks Rule. – Until the effective date of 5 the revised permanent rule that the Commission for Public Health is required to adopt pursuant 6 to subsection (d) of this section, the Commission shall implement the Plans for Prefabricated 7 Tanks Rule as provided in subsection (c) of this section. 8 SECTION 4.42.(c) Implementation. – No documentation of proof of design for a 9 tank shall be required prior to approval of the tank by the Department. 10 **SECTION 4.42.(d)** Additional Rulemaking Authority. – The Commission shall 11 adopt a rule to amend the Plans for Prefabricated Tanks Rule consistent with subsection (c) of 12 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to 13 this section shall be substantively identical to the provisions of subsection (c) of this section. 14 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of 15 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 16 17 in G.S. 150B-21.3(b2). 18 **SECTION 4.42.(e)** Sunset. – This section expires when permanent rules adopted as 19 required by subsection (d) of this section become effective. 20 **SECTION 4.43.(a)** Definitions. - For purposes of this section and its 21 implementation, "Tank Design and Construction Rule" means 15A NCAC 18E .1402 (Tank 22 Design and Construction). 23 **SECTION 4.43.(b)** Tank Design and Construction Rule. – Until the effective date 24 of the revised permanent rule that the Commission for Public Health is required to adopt pursuant 25 to subsection (d) of this section, the Commission shall implement the Tank Design and 26 Construction Rule as provided in subsection (c) of this section. 27 **SECTION 4.43.(c)** Implementation. – The location of the tank shall not be required 28 to be visible at finished grade when the top of the septic tank or access riser is below the finished 29 grade. 30 SECTION 4.43.(d) Additional Rulemaking Authority. – The Commission shall 31 adopt a rule to amend the Tank Design and Construction Rule consistent with subsection (c) of 32 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to 33 this section shall be substantively identical to the provisions of subsection (c) of this section. 34 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of 35 the General Statutes. Rules adopted pursuant to this section shall become effective as provided 36 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided 37 in G.S. 150B-21.3(b2). 38 SECTION 4.43.(e) Sunset. – This section expires when permanent rules adopted as 39 required by subsection (d) of this section become effective. 40 SECTION 4.44.(a) Definitions. - For purposes of this section and its 41 implementation, "Tank Material Requirements Rule" means 15A NCAC 18E .1403 (Tank 42 Material Requirements). 43 **SECTION 4.44.(b)** Tank Material Requirements Rule. – Until the effective date of 44 the revised permanent rule that the Commission for Public Health is required to adopt pursuant 45 to subsection (d) of this section, the Commission shall implement the Tank Material 46 Requirements Rule as provided in subsection (c) of this section. 47 SECTION 4.44.(c) Implementation. - Reinforced precast concrete tanks shall achieve a minimum 28-day compressive strength of 4,000 pounds per square inch. The concrete 48 49 shall meet a compressive strength of 3,500 pounds per square inch prior to removal of the tank from the place of manufacture. The delivery of the tank to the jobsite is considered the 50 certification by the tank manufacturer of these conditions. Authorized agents, professional 51

1 engineers, or Authorized On-Site Wastewater Evaluators shall follow Department guidance on 2 any subsequent testing to verify this certification. Readings from a rebound hammer shall not be 3 used to reject a tank at the jobsite. The local health department, professional engineer, or 4 authorized on-site wastewater evaluator shall report test readings under those allowed in the 5 Department guidance document to the On-Site Water Protection Branch and shall be used to 6 schedule a future random inventory verification by the Department. Rebound hammers shall be 7 used in accordance with the following when checking the strength of a precast concrete tank: 1) 8 the surface of the concrete tank tested should be smooth, dry, and free of honeycombing; 2) the 9 concrete to be tested must be at least four inches thick, readings should be taken around the edges 10 of the tank, tests should not be on trowelled surfaces, and the test locations should be at least one inch from the edge of the tank or the location of another test point. The procedure for testing 11 12 a tank with a rebound hammer shall be as follows: 1) take a total of 12 readings from around the 13 tank; 2) the rebound hammer shall be directly perpendicular to the surface of the tank; 3) the 14 readings should be from different sides of the concrete tank; 4) take readings from at least two 15 different edges on each tank side, if possible; 5) eliminate the highest and lowest readings taken; 16 6) average the remaining ten readings and use that average to determine the concrete compressive 17 strength from the conversion chart on the rebound hammer; and 6) adjust the concrete 18 compressive strength by $\pm 25\%$ to account for the rebound hammer's $\pm 25\%$ error in the reading. 19 The rebound hammer should be calibrated annually.

20 SECTION 4.44.(d) Additional Rulemaking Authority. - The Commission shall 21 adopt a rule to amend the Tank Material Requirements Rule consistent with subsection (c) of this 22 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this 23 section shall be substantively identical to the provisions of subsection (c) of this section. Rules 24 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the 25 General Statutes. Rules adopted pursuant to this section shall become effective as provided in 26 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in 27 G.S. 150B-21.3(b2).

28 SECTION 4.44.(e) Sunset. – This section expires when permanent rules adopted as
 29 required by subsection (d) of this section become effective.

30 **SECTION 4.45.(a)** Definitions. – For purposes of this section and its 31 implementation, "Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots 32 Rule" means 15A NCAC 18E .1404 (Plans and Specifications for Risers, Effluent Filters, and 33 Pipe Penetration Boots).

SECTION 4.45.(b) Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots Rule as provided in subsection (c) of this section.

39 **SECTION 4.45.(c)** Implementation. – Subsections (a), (b), (c), (d), and (g) of this 40 Rule shall apply to risers, effluent filters, or pipe penetration boots made from plastic or fiberglass. Concrete risers and riser lids shall be able to withstand a minimum uniform live 41 42 loading of 300 pounds per square foot or a minimum 1,500-pound load applied in a 10 inch by 43 10 inch area centered on the lid, in addition to all loads to which a riser is normally subjected, 44 such as dead weight of the material and soil cover and active soil pressure on riser walls. 45 Concrete risers shall meet the following requirements: septic tank risers shall have a secondary 46 lid, concrete plug, or other safety device that shall be provided inside the riser for security and to 47 prevent accidental entry; and pump tank risers shall have a secondary safety mechanism that shall 48 be provided with the riser. The secondary safety mechanism shall be a secondary lid, concrete 49 plug, or other safety device to be provided inside the pump tank riser.

50 **SECTION 4.45.(d)** Additional Rulemaking Authority. – The Commission shall 51 adopt a rule to amend the Plans and Specifications for Risers, Effluent Filters, and Pipe

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2 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be 3 substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant 4 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. 5 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), 6 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2). 7 **SECTION 4.45.(e)** Sunset. – This section expires when permanent rules adopted as 8 required by subsection (d) of this section become effective. 9 Definitions. - For purposes of this section and its **SECTION 4.46.(a)** 10 implementation, "Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule" means 15A NCAC 18E .1405 (Risers, Effluent Filters, and Pipe Penetration Boots Approval 11 12 Renewal). 13 **SECTION 4.46.(b)** Risers, Effluent Filters, and Pipe Penetration Boots Approval 14 Renewal Rule. – Until the effective date of the revised permanent rule that the Commission for 15 Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall 16 implement the Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule as 17 provided in subsection (c) of this section. SECTION 4.46.(c) Implementation. – This Rule shall only apply to risers, effluent 18 19 filters, or pipe penetration boots made from plastic or fiberglass. 20 SECTION 4.46.(d) Additional Rulemaking Authority. – The Commission shall 21 adopt a rule to amend the Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal 22 Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule 23 adopted by the Commission pursuant to this section shall be substantively identical to the 24 provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject 25 to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this 26 section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written 27 objections had been received as provided in G.S. 150B-21.3(b2). 28 **SECTION 4.46.(e)** Sunset. – This section expires when permanent rules adopted as 29 required by subsection (d) of this section become effective. 30 **SECTION 4.47.(a)** Definitions. - For purposes of this section and its 31 implementation, "Local Health Department Responsibilities Rule" means 15A NCAC 18E .1713 32 (Local Health Department Responsibilities). 33 **SECTION 4.47.(b)** Local Health Department Responsibilities Rule. – Until the 34 effective date of the revised permanent rule that the Commission for Public Health is required to 35 adopt pursuant to subsection (d) of this section, the Commission shall implement the Local 36 Health Department Responsibilities Rule as provided in subsection (c) of this section. 37 SECTION 4.47.(c) Implementation. – The local health department shall not be 38 required to include in its monthly activity reports to the Department the number of new system 39 operations permits for Provisional, Innovative, or Accepted systems, the number of construction 40 authorizations issued for Provisional systems, including system type, for repairs of Provisional, 41 Innovative, Accepted systems, including system type being repaired, or repairs of Accepted 42 systems, including system type being repaired, or repair system type. 43 SECTION 4.47.(d) Additional Rulemaking Authority. - The Commission shall 44 adopt a rule to amend the Local Health Department Responsibilities Rule consistent with 45 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the 46 Commission pursuant to this section shall be substantively identical to the provisions of 47 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of 48 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall 49 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections 50 had been received as provided in G.S. 150B-21.3(b2).

Penetration Boots Rule consistent with subsection (c) of this section. Notwithstanding

1	SECTION 4.47.(e) Sunset. – This section expires when permanent rules adopted as
2	required by subsection (d) of this section become effective.
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4 5	CLARIFY THE APPLICABILITY OF STATUTORY BUILT-UPON AREA DECUMPEMENTS FOR STATE AND LOCAL COVERNMENT STORMWATER
5 6	REQUIREMENTS FOR STATE AND LOCAL GOVERNMENT STORMWATER PROGRAMS AND SPECIFY THAT CERTAIN ARTIFICIAL TURF IS NOT
0 7	BUILT-UPON AREA
8	SECTION 4.48.(a) G.S. 143-214.7(b2) reads as rewritten:
9	(b2) For purposes of implementing stormwater programs, "built-upon area" means
10	impervious surface and partially impervious surface to the extent that the partially impervious
11	surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon
12	area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57
13	stone, as designated by the American Society for Testing and Materials, laid at least four inches
14	thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved
15	as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters
16	per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel,
17	mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on
18	portions of driveways and parking areas that will not be compacted by the weight of a vehicle,
19	such as the area between sections of pavement that support the weight of a vehicle. The owner
20	or developer of a property may opt out of any of the exemptions from "built-upon area" set out
21	in this subsection. For State stormwater programs and local stormwater programs approved
22	pursuant to subsection (d) of this section, all of the following shall apply:
23	(1) The volume, velocity, and discharge rates of water associated with the
24	one-year, 24-hour storm and the difference in stormwater runoff from the
25	predevelopment and postdevelopment conditions for the one-year, 24-hour
26	storm shall be calculated using any acceptable engineering hydrologic and
27	hydraulic methods.
28	(2) Development may occur within the area that would otherwise be required to
29	be placed within a vegetative buffer required by the Commission pursuant to
30	G.S. 143-214.1 and this section provided the stormwater runoff from the
31	entire impervious area of the development is collected, treated, and discharged
32 33	so that it passes through a segment of the vegetative buffer and is managed so
33 34	that it otherwise complies with all applicable State and federal stormwater
34 35	management requirements. For the purpose of this subdivision, the entire impervious area of the development shall not include any portion of a project
35 36	that is within a North Carolina Department of Transportation or municipal
30 37	right-of-way.
38	(3) The requirements that apply to development activities within one-half mile of
39	and draining to Class SA waters or within one-half mile of Class SA waters
40	and draining to unnamed freshwater tributaries shall not apply to development
41	activities and associated stormwater discharges that do not occur within
42	one-half mile of and draining to Class SA waters or are not within one-half
43	mile of Class SA waters and draining to unnamed freshwater tributaries."
44	SECTION 4.48.(b) Article 21 of Chapter 143 of the General Statutes is amended by
45	adding a new section to read:
46	" <u>§ 143-214.7D. Limitations on built-upon area requirements.</u>
47	(a) As used in this section, the term "built-upon area" means impervious surface and
48	partially impervious surface to the extent that the partially impervious surface does not allow
49	water to infiltrate through the surface and into the subsoil.

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1	(b) For the purposes of implementing State or local government stormwater programs,			
2	none of the follow	wing surfaces shall be considered "built-upon area" or a	n impervious or partially	
3	impervious surfa	<u>ce:</u>		
4	<u>(1)</u>	A slatted deck.		
5	<u>(2)</u>	The water area of a swimming pool.		
6	<u>(3)</u>	A surface of number 57 stone, as designated by th	e American Society for	
7		Testing and Materials, laid at least four inches thick of	over a geotextile fabric.	
8	<u>(4)</u>	A trail as defined in G.S. 113A-85 that is either unpa	aved or paved as long as	
9		the pavement is porous with a hydraulic conducti	vity greater than 0.001	
10		centimeters per second (1.41 inches per hour).		
11	<u>(5)</u>	Landscaping material, including, but not limited to, g	gravel, mulch, sand, and	
12		vegetation, placed on areas that receive pedestrian	or bicycle traffic or on	
13		portions of driveways and parking areas that will n	ot be compacted by the	
14		weight of a vehicle, such as the area between sections		
15		the weight of a vehicle.		
16	<u>(6)</u>	Artificial turf, installed over a pervious surface	ace according to the	
17		manufacturer's specifications.	-	
18	(c) The c	owner or developer of a property may opt out of any	of the exemptions from	
19		set out in subsection (b) of this section.	-	
20	(d) Excep	ot as specifically required by federal law, a local gov	ernment may not enact,	
21	implement, or e	enforce a local government ordinance, comprehensiv	ve plan, or stormwater	
22	program that est	ablishes a definition of "built-upon area" or impervio	us surface that does not	
23	comply with sub	section (b) of this section. This limitation shall apply re-	gardless of any authority	
24	granted by G.S.	143-214.5, G.S. 143-214.7, or Chapters 153A, 160A,	or 160D of the General	
25	Statutes.			
26	<u>(e)</u> The C	Commission may adopt rules to implement this section.		
27	SEC	FION 4.48.(c) Each unit of local government that	operates a stormwater	
28		pdate its program to be consistent with G.S. 143-		
29	subsection (b) of	this section.		
30	SEC	FION 4.48.(d) This section is effective when it become	es law.	
31				
32	PART V. REOI	RGANIZE BUILDING CODE COUNCIL		
33	SEC	FION 5.1.(a) G.S. 143-136 reads as rewritten:		
34	"§ 143-136. Bui	lding Code Council created; membership, committe	ees.	
35	(a) Creat	ion; Membership; Terms. Creation. – There is hereby	created a Building Code	
36	Council, which s	hall be composed of 17-13 members appointed by the	Governor, consisting of	
37	the following:as	follows:		
38	(1)	Two licensed architects.		
39	(2)	One licensed general contractor.		
40	(3)	One licensed general contractor specializing in reside	ential construction.	
41	(4)	One licensed general contractor specializing	in coastal residential	
42		construction.		
43	(5)	One licensed engineer practicing structural engineeri	ng.	
44	(6)	One licensed engineer practicing mechanical engineer	ring.	
45	(7)	One licensed engineer practicing electrical engineering	ng.	
46	(8)	One licensed plumbing and heating contractor.		
47	(9)	One municipal or county building inspector.		
48	(10)	One licensed liquid petroleum gas dealer/contractor i	nvolved in the design of	
49		natural and liquid petroleum gas systems who has exp	pertise and experience in	
50		natural and liquid petroleum gas piping, venting and	appliances.	

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(11	One representative of the public who is not a member of the building construction industry.
(12	One licensed electrical contractor.
	One licensed engineer on the engineering staff of a State agency charged with
(13	
(14	approval of plans of State owned buildings.
(14	One municipal elected official or city manager.
(15	One county commissioner or county manager.
(16	One active member of the North Carolina fire service with expertise in fire
(1)	safety, as recommended by the North Carolina State Firefighters' Association.
<u>(1)</u>	One member appointed by the General Assembly upon the recommendation
	of the Speaker of the House of Representatives who shall hold an unlimited
	general contractor license under Chapter 87 of the General Statutes and
	specializes in multifamily construction.
<u>(2)</u>	One member appointed by the General Assembly upon the recommendation
	of the President Pro Tempore of the Senate who shall hold a license as a
	professional engineer under Chapter 89C of the General Statutes and
	specializes in structural engineering.
<u>(3)</u>	One member appointed by the General Assembly upon the recommendation
	of the Speaker of the House of Representatives who shall hold an unlimited
	general contractor license under Chapter 87 of the General Statutes and
	specializes in commercial construction.
<u>(4)</u>	One member appointed by the General Assembly upon the recommendation
	of the President Pro Tempore of the Senate who shall hold a license as a
	professional engineer under Chapter 89C of the General Statutes and
	specializes in electrical engineering.
<u>(5)</u>	One member appointed by the General Assembly upon the recommendation
	of the Speaker of the House of Representatives who shall hold a license as an
	attorney-at-law under Chapter 84 of the General Statutes and specializes in
	construction law.
<u>(6)</u>	One member appointed by the General Assembly upon the recommendation
	of the President Pro Tempore of the Senate who shall hold an unlimited
	electrical contractor license under Chapter 87 of the General Statutes.
<u>(7)</u>	One member appointed by the Governor subject to confirmation in accordance
	with Section 5(8) of Article III of the North Carolina Constitution, who shall
	hold a general contractor license under Chapter 87 of the General Statutes and
	specializes in the construction of buildings greater than 75 feet in height.
<u>(8)</u>	One member appointed by the Governor subject to confirmation in accordance
	with Section 5(8) of Article III of the North Carolina Constitution, who shall
	hold a license as a professional engineer under Chapter 89C of the General
	Statutes and specializes in mechanical engineering.
<u>(9)</u>	One member appointed by the Governor subject to confirmation in accordance
	with Section 5(8) of Article III of the North Carolina Constitution, who shall
	hold an unlimited plumbing and heating contractor license under Chapter 87
	of the General Statutes and specializes in plumbing contracting.
(10	One member appointed by the Governor subject to confirmation in accordance
<u>(10</u>	with Section 5(8) of Article III of the North Carolina Constitution, who shall
	hold an unlimited plumbing and heating contractor license under Chapter 87
	of the General Statutes and specializes in mechanical contracting.
(11	One member appointed by the Governor subject to confirmation in accordance
<u>(11</u>	
	with Section 5(8) of Article III of the North Carolina Constitution, who shall

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		be a Level III Code-enforcement official employed b	y a municipality of
		county.	
	<u>(12)</u>	One member appointed by the Governor subject to confir	mation in accordance
		with Section 5(8) of Article III of the North Carolina Co	
		be a representative of North Carolina Office of the State	Fire Marshal.
	<u>(13)</u>	One member appointed by the Governor subject to confir	mation in accordance
		with Section 5(8) of Article III of the North Carolin	a Constitution, as
		representative of the fuel-gas industry.	
	(a1) In sel	ecting the municipal and county members, preference	should be given
men	mbers who q	ualify as either a licensed architect, licensed engineer,	or licensed gener
con	tractor. <u>Term</u>	s; Vacancies; Chair Of the members initially appoi	nted by the Gener
Ass	sembly upon t	he recommendation of the Speaker of the House of Representation	esentatives, one sha
serv	ve for a term of	of two years, one shall serve for a term of four years, and	one shall serve for
terr	<u>n of six year</u>	s. Of the members initially appointed by the General	Assembly upon th
reco	ommendation	of the President Pro Tempore of the Senate, one shall sen	rve for a term of tw
yea	rs, one shall s	erve for a term of four years, and one shall serve for a terr	<u>n of six years. Of th</u>
men	mbers initially	appointed by the Governor, three shall serve for terms of	two years each, thr e
two	shall serve fo	r terms of four years each, and three two shall serve for ter	ms of six years eac
The	ereafter, all app	pointments shall be for terms of six years. The Governor m	ay remove appointiv
men	mbers at any ti	me. Neither the architect nor any Appointments by the Ge	neral Assembly sha
be 1	made in accord	lance with G.S. 120-121, and vacancies in those appointm	ents shall be filled
acc	ordance with	G.S. 120-122. Vacancies in appointments made by the Go	vernor shall be fille
by	the Governor	subject to confirmation in accordance with Section 5(8)	of Article III of th
Not	rth Carolina C	onstitution. The Governor shall designate one member of	the Council as char
Not	<u>ne</u> of the abov	e named engineers shall be engaged in the manufacture,	promotion or sale
		terial, and any member who shall, during his their terr	
qua	lifications for	r original appointment (through ceasing to be a practi	cing member of th
pro	fession indica	ted or otherwise) shall thereby forfeit his their membersh	ip on the Council.
		pintments or filling vacancies, the Governor shall ensur-	e that minorities an
WO		sented on the Council.	
		may make appointments to fill the unexpired portions of	-
		resignation, or removal from office. In making such a	ppointment, he sha
pres		position of the Council required above.	
		ss for Appointments by the Governor The Governor	
		s of the Senate and the House of Representatives, with	
	-	session of the General Assembly in the year for which the	-
	• • •	d or are to expire, the names of the persons to be appointed	•
		General Assembly for confirmation by joint resolution.	A A
-	-	to this subsection when the General Assembly is not in	
		and serve on an interim basis pending confirmation by th	
		of this subsection, the General Assembly is not in sess	
	-	regular session, (ii) during any adjournment of the regular	session for more that
<u>10</u>		fter sine die adjournment of the regular session.	
	• • •	ensation Members of the Building Code Council oth	•
-		State shall receive seven dollars (\$7.00) per day, including	• •
	-	I from their place of residence within the State to any plac	-
	-	ial business of the Council. In addition, all members shall	-
		ding to State practice while going to and from any place	of meeting, or whe
on		ss of the Council. led by Session Laws 2023-108, s. 1(b), effective January	
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1	(d) Building Code Committee Created; Duties. – Within the Building Code Council, th	ere			
2	is hereby created a Building Code Committee for all structures except those subject to the No				
3	Carolina Residential Building Code. The committee shall be composed of the following n	ine			
4	members of the Building Code Council:				
5	(1) One of the licensed architects appointed by the chairman of the Building Co	əde			
6	Council.				
7	(2) The licensed engineer practicing mechanical engineering.				
8	(3) The licensed engineer practicing electrical engineering.				
9	(4) The licensed engineer practicing structural engineering.				
10	(5) The municipal elected official.				
11	(6) The fire service representative.				
12	(7) The municipal or county building inspector.				
13	(8) The State agency engineer.				
14	(9) The licensed general contractor.				
15	The chairman of the Building Code Council shall call the first meeting of the Committee	, at			
16	which meeting the Committee shall elect a chairman from among the members of the Commit				
17	as the first order of business. Thereafter, the Committee The Building Code Council shall m				
18	upon the call of the chairman to review and consider any proposal for revision or amendmen	t to			
19	the North Carolina State Building Code, including provisions applicable to the North Carol	ina			
20	Energy Conservation Code, the North Carolina Electrical Code, the North Carolina Fuel (Jas			
21	Code, the North Carolina Plumbing Code, the North Carolina Mechanical Code, the North	orth			
22	Carolina Existing Building Code, Code volumes, as specified in G.S. 143-138(a), and any other				
23	code applicable to commercial or multi-family construction, and no revision or amendment to				
24	any of these codes applicable to commercial or multi-family construction may be considered by				
25	the Building Code Council unless recommended by this committee. This committee construction.				
26	The Council shall also oversee the process by which the Council conducts its revision of the				
27	codes as specified in G.S. 143-138(a) and applicable to commercial or multi-family construction				
28	pursuant to G.S. 143-138(d). This committee The Council shall also consider any appeal or				
29	interpretation arising under G.S. 143-141 pertaining to codes Code volumes, as set forth in				
30	G.S. 143-138(a), and codes applicable to commercial or multi-family construction and make a				
31	recommendation to the Building Code Council for disposition of the appeal or issue				
32	interpretation. In considering the recommendations of the committee related to revisions a				
33	amendments of the Building Code, nothing in this subsection shall prevent the Building Code				
34	Council from accepting, rejecting, or amending the recommendation, provided that a	any			
35	amendment to the recommendation must be germane."				
36	SECTION 5.1.(b) In order to establish overlapping terms, initial appointme				
37	pursuant to G.S. 143-136(a), as amended by subsection (a) of this section, shall be made effect	ive			
38	January 1, 2025, or as soon as feasible thereafter, and expire as follows:				
39	(1) The initial appointments made by the Governor:				
40	a. Pursuant to G.S. 143-136(a)(7) shall expire January 1, 2027.				
41	b. Pursuant to G.S. 143-136(a)(8) shall expire January 1, 2027.				
42	c. Pursuant to G.S. 143-136(a)(9) shall expire January 1, 2027.				
43	d. Pursuant to G.S. 143-136(a)(10) shall expire January 1, 2029.				
44	e. Pursuant to G.S. $143-136(a)(11)$ shall expire January 1, 2029.				
45	f. Pursuant to G.S. $143-136(a)(12)$ shall expire January 1, 2031.				
46	g. Pursuant to G.S. 143-136(a)(13) shall expire January 1, 2031.				
47		on			
48	recommendation of the Speaker of the House of Representatives:				
49 50	a. Pursuant to G.S. 143-136(a)(1) shall expire January 1, 2027.				
50	b. Pursuant to G.S. $143-136(a)(3)$ shall expire January 1, 2029.				
51	c. Pursuant to G.S. $143-136(a)(5)$ shall expire January 1, 2031.				

 (3) The initial appointments made by the General Assembly upon recommendation of the President Pro Tempore of the Senate: a. Pursuant to GS. 143-136(a)(2) shall expire January 1, 2027. b. Pursuant to GS. 143-136(a)(4) shall expire January 1, 2029. c. Pursuant to GS. 143-136(a)(4) shall expire January 1, 2031. SECTION 5.1.(c) G.S. 143-137 reads as rewritten: 'S 143-137. Organization of <u>Building Code</u> Council; rules; meetings; staff; fiscal affairs. (a) First Meeting: Organization: Rules. – Within 30 days after its appointment, the Building Code Council shall meet on call of the State Fire Marshal. The Councel shall expire January 1, 2031. (a) First Meeting: Organization: Rules. – Within 30 days after its appointment, the end-committees as the work of the Council may require. In addition, the sub-committees as the work of the Council may require. In addition, the end-council shall adopt sub-rules nor inconsistent herewith as it may appoint members to euch-committees as the work of the Council may require. In addition, the end-council end-council may require. In addition, the end-council end-council may require. In addition, the end-council end-council may require. In addition, the council. Least add hoc committees and hoc council field by the Code volume for which the ad hoc council. (b) Meetings. – The Council shall meet regularly, at least once every six months, at places and dates to be determined by the Council. Special meetings may be called by the chairman chair on bios worn initiative and must the chair atthe request of two or more members of the Council. All meetings shall be notified by the chairman request of two or more members of the Council. All meetings shall be notified by the chairman request of two or more members of the Council. All meetings shall be called by him the cheing an		General Assembly Of North Carolina	Session 2023
2 recommendation of the President Pro Tempore of the Senate: 3 a. Pursuant to G.S. 143-136(a)(2) shall expire January 1, 2027. 4 b. Pursuant to G.S. 143-136(a)(4) shall expire January 1, 2029. 5 c. Pursuant to G.S. 143-136(a)(4) shall expire January 1, 2031. 5 SECTION 5.1.(c) G.S. 143-137 ends as rewritter: 7 \$143-137. Organization of Building Code Council; rules; meetings; staff; fiscal affairs. (a) First Meeting: Organization; Rules. – Within 30 days after its appointment, the Building Code Council shall meet on call of the State Fire Marshal. The Council shall dect from it: appointive members a chairman and such other officers as it may choose, for such terms as it may deem necessary for the proper discharge of its duties. The chairman-chair may establish and appoint members to such-committees as the work of the Council may require. In addition, the chairman-shall-chair may establish and appoint all consists of members of the Council, Iccensed contractors, and design professionals most affected by the Couve volume for which the ad hoc committee is responsible, and members of the public. The subcommittees Ad hoc committees shall meet upon the call of their respective chairs and shall report their recommendations to the Council. 10 Meetings. – The Council shall meet public. The subcommittees of such meetings at places and dates to be determined by the Council. Special meetings may be called by the chairman-chair in writing of the tine and place of regular and special meetings thal by im	1	(3) The initial appointments made by the General	Assembly upon
 a. Pursuant to G.S. 143-136(a)(2) shall expire January 1, 2027. b. Pursuant to G.S. 143-136(a)(4) shall expire January 1, 2029. c. Pursuant to G.S. 143-136(a)(6) shall expire January 1, 2031. SECTION 5.1.(c) G.S. 143-137 reads as rewritten: "\$143.137. Organization of Building Code Council; rules; meetings; staff; fiscal affairs. (a) First Meeting; Organization, Rules. – Within 30 days after its appointment, the Building Code Council shall meet on call of the State Fire Marshal. The Council shall letter from tica appointive members a chairman and such other officers as it may choose, for such terms as it may designate in its rules. The Council shall adopt such rules not inconsistent herewith as it may deem necessary for the proper discharge of its duties. The ehairman-chair may establish and appoint members to such-committees as the work of the Council may require. In addition, the chairman shall-chair may establish and appoint ad hoc code revision committees to socider and prepare revisions and amendments to the Code volumes—volumes, as specified in G.S. 143-138(a). Each ad hoc committee shall consist of members of the Council, licensed contractors, and design professionals most affected by the Code volume for which the ad hoc council. (b) Meetings. – The Council shall meet regularly, at least once every six months, at places and dates to be determined by the Council. Special meetings may be called by the <i>whairman-chair</i> in writing of the time and place of regular and special meetings at least seven days in advance of such meeting. Seven members-shall-consitute a quoorm.—All meetings shall bo port to the polic. (c) Staff. Personnel of the Division of Engineering of the Department of Insurance shall serve as astaff for the Council. Such staff shall-Council. and have the duties of following duties: (1) Keeping an accurate and complete record of all meetings, harings, correspondence, laboratory stu			• 1
4 b. Pursuant to G.S. 143-136(a)(d) shall expire January 1, 2029. 5 c. Pursuant to G.S. 143-137 reads as rewritten: 7 8 143-137. Organization of <u>Building Code Council; rules; meetings; staff, fiscal affairs.</u> (a) First Meeting; Organization of <u>Building Code Council; rules; meetings; staff, fiscal affairs.</u> (a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the Building Code Council shall aloud) such rules not inconsistent herewith as it may deem necessary for the proper discharge of its duties. The chairman-chair may establish and appoint members to such-committees as the work of the Council and addition, the chairman-shall-chair may establish and appoint a hoc code revision committees to consider and prepare revisions and amendments to the Code volume for which the ad hoc committee is responsible, and members of the public. The subsemmittees Ad hoc committees shall exoticates, and design professionals most affected by the Code volume for which the ad hoc council. 11 (b) Meetings. – The Council shall meet regularly, at least once every six moths, at places shall meet upon the call of their respective chairs and shall report their recommendations to the Council. 12 (b) Meetings. – The Council shall meet regularly, at least once every six moths, at places and baces to be determined by the Council. Special meetings may be called by the chairman chair in writing of the time and place of regular and special meetings alven ad ys in advance of such meeting. Seven members achair and special meetings and advance of such meeting. Seven members achair and special meetings and advance of such meeting. Seven members achalt constitute a quorum. All meetings shall be open	3	-	
 c. Pursuant to Gs. 143-136(a)(6) shall expire January 1, 2031. SECTION 5.1.(c) G.S. 143-137 reads as rewritten: *\$ 143-137. Organization of <u>Building Code</u> Council; rules; meetings; staff; fiscal affairs. (a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the Building Code Council shall meet on call of the State Fire Marshal. The Council shall elect from its appointive members a chairman and such other officers as it may choose, for such terms as it may decem necessary for the proper discharge of its duties. The ehairman-chair may establish and appoint members to such-committees as the work of the Council may require. In addition, the chairman shall chair may establish and appoint ad hoc code revision committees as a specified in GS, 143-138(a). Each ad hoc committee shall consist of members of the Council, licensed contractors, and design professionals most affected by the Code volume for which the ad hoc committee is responsible, and members of the public. The subcommittees <u>Ad hoc committees</u> shall meet upon the call of their respective chairs and shall report their recommendations to the Council. (b) Meetings. – The Council shall meet regularly, at least once every six months, at places and dates to be determined by the Council. Special meetings may be called by the chairman chair on this own initiative-and must be called by the chair at the request of two or more members of the Council. Members shall obsoitiute a quorum. All meetings shall be optined the public. (b) Meetings. – The Council shall meet regularly, at least once every six months, at places and bases to be determined by the Chair at the request of two or more members of the Council. Members shall constitute a quorum. All meetings shall be optined the public. (c) Staff. – Personnel of the Division of Engineering of the Department of Insurance shall serve as a staff for the Council. Asthes theff shall Council, and have the dutie			,
 6 SECTION 5.1.(c) G.S. 143-137 reads as rewritten: 7 "\$ 143-137. Organization of <u>Building Code</u> Council; rules; meetings; staff; fiscal affairs. (a) First Meeting: Organization; Rules. – Within 30 days after its appointment, the Building Code Council shall meet on call of the State Fire Marshal. The Council shall elect from its appointive members a chairman and such other officers as it may choose. for such terms as it may designate in its rules. The Council shall adopt such rules not inconsistent herewith as it may deem necessary for the proper discharge of its duties. The chairman chair may establish and appoint members to such-committees as the work of the Council may require. In addition, the chairman shall-chair may establish and appoint ad hoc code revision committees to consider and prepare revisions and amendments to the Code volumes, as specified in G.S. 143-138(a). Each ad hoc committee shall consist of members of the Council. Increased and dates to be determined by the Council. Special meetings may be called by the chair and shall report their recommendations to the Council. (b) Meetings. – The Council shall meet regularly, at least once every six months, at places and dates to be determined by the Council. Special meetings may be called by the ehairman chair on his own initiative and must be called by <u>him the chair at the request of two or more members</u> of the Council. All meetings at least seven days in advance of such meeting. Seven members shall constitute a quorum. All meetings shall be open to the public. (c) Staff. – Personnel of the Division of Engineering of the Department of Insurance shall serve as a staff for the Council. Such staff shall Council, and have the duties of following duties: (1) Keeping an accurate and complete record of all meetings, hearings, correspondence, laboratory studies, and technical work performed by or for the Council, and making these records available for public inspection at all reasonable times	5		
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	49	MISCELLANEOUS CHANGES TO IMPLEMENT BUILDING CODE	COUNCIL AND
51 SECTION 5.2.(a) G.S. 143-136.1 reads as rewritten:			
	51	SECTION 5.2.(a) G.S. 143-136.1 reads as rewritten:	

	General Assem	bly Of North Carolina	Session 2023
,	'§ 143-136.1. R	esidential Code Council created; membership.	
		ion; Membership. – There is hereby created a Residenti	al Code Council, which
(embers appointed as follows:	,
	(1)	One member appointed by the General Assembly up	on the recommendation
		of the Speaker of the House of Representatives who	
		general contractor license under Chapter 87 of the	
		specializes in residential construction.	
	(2)	One member appointed by the General Assembly up	on the recommendation
	~ /	of the President Pro Tempore of the Senate who sha	
		intermediate general contractor license under Chap	
		Statutes and specializes in residential construction.	
	(3)	One member appointed by the General Assembly up	on the recommendation
		of the Speaker of the House of Representatives who	
		contractor license under Chapter 87 of the General Sta	1 0
		residential construction.	1
	(4)	One member appointed by the General Assembly up	on the recommendation
		of the President Pro Tempore of the Senate who shall h	
		license under Chapter 87 of the General Statutes and s	0
		construction.	I
	(5)	One member appointed by the General Assembly up	on the recommendation
	~ /	of the Speaker of the House of Representatives who	
		intermediate, or limited general contractor license u	
		General Statutes and specializes in coastal construction	1
	(6)	One member appointed by the General Assembly up	
		of the President Pro Tempore of the Senate who s	
		intermediate, or limited general contractor license u	
		General Statutes and specializes in residential constru	-
	(7)	One member appointed by the Governor subject to con	
		with Section 5(8) of Article III of the North Carolina	
		hold an electrical contractor license under Chapter 87	
	(8)	One member appointed by the Governor subject to con	
	(0)	with Section 5(8) of Article III of the North Carolina	
		be a licensed professional engineer under Chapter 890	
		and specializes in residential construction.	
	(9)	One member appointed by the Governor subject to con	firmation in accordance
	(-)	with Section 5(8) of Article III of the North Carolina	
		be a Level I or Level II Code-enforcement official emp	
		or county.	iojea oj a manorpanoj
	(10)	One member appointed by the Governor subject to con	firmation in accordance
	(10)	with Section 5(8) of Article III of the North Carolina	
		be a member of the public-at-large.	Constitution, who shar
	(11)	One member appointed by the Governor subject to con	firmation in accordance
	(11)	with Section 5(8) of Article III of the North Carolina	
		be a representative of the natural gas industry.	Constitution, who shan
	(12)	One member appointed by the Governor subject to con	firmation in accordance
	(12)	with Section 5(8) of Article III of the North Carolina	
		be a fire service representative.	Constitution, who shall
	(13)	One member appointed by the Governor subject to con	firmation in accordance
	(13)	with Section 5(8) of Article III of the North Carolina	
		hold a general contractor license under Chapter 87 of t	
		specializes in residential foundations or concrete plac	
		specializes in residential roundations of concrete plac	CHICHT.

Terms; Vacancies; Chair. - Of the members initially appointed by the General 1 (b) 2 Assembly upon the recommendation of the Speaker of the House of Representatives, one shall 3 serve for a term of two years, one shall serve for a term of four years, and one shall serve for a 4 term of six years. Of the members initially appointed by the General Assembly upon the 5 recommendation of the President Pro Tempore of the Senate, one shall serve for a term of two years, one shall serve for a term of four years, and one shall serve for a term of six years. Of the 6 7 members initially appointed by the Governor, two shall serve for a term of two years, two shall 8 serve for a term of four years, and three shall serve for a term of six years. Thereafter, all 9 appointments shall be for terms of six years. Appointments by the General Assembly shall be 10 made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. Vacancies in appointments made by the Governor shall be filled 11 12 by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the 13 North Carolina Constitution. The Governor shall designate one member of the Council as chair. 14 Process for Appointments by the Governor. - The Governor shall transmit to the (b1) presiding officers of the Senate and the House of Representatives, within four weeks of the 15 convening of the session of the General Assembly in the year for which the terms in question are 16 17 initially appointed or are to expire, the names of the persons to be appointed by the Governor and submitted to the General Assembly for confirmation by joint resolution. If an appointment is 18 19 required pursuant to this subsection when the General Assembly is not in session, the member 20 may be appointed and serve on an interim basis pending confirmation by the General Assembly. For the purpose of this subsection, the General Assembly is not in session only (i) prior to 21 convening of the regular session, (ii) during any adjournment of the regular session for more than 22 10 days, or (iii) after sine die adjournment of the regular session. 23 24 (c) Compensation. – Members of the Residential Code Council, other than any who are

employees of the State, shall receive seven dollars (\$7.00) per day, including necessary time spent in traveling to and from their place of residence within the State to any place of meeting or while traveling on official business of the Council. In addition, all members shall receive mileage and subsistence according to State practice while going to and from any place of meeting, or when on official business of the Council.

30 (d) Duties. - The Residential Code Council shall review and consider any proposal for 31 revision or amendment to the North Carolina Residential Code, including applicable provisions 32 from the North Carolina Energy Conservation Code, North Carolina Electrical Code, North 33 Carolina Fuel Gas Code, North Carolina Plumbing Code, North Carolina Mechanical Code, 34 North Carolina Existing Building Code, and any other code applicable to residential construction. 35 This construction as set forth in G.S. 143-138(a). The Council shall oversee revision of the North 36 Carolina Residential Code and codes applicable to dwellings subject to the North Carolina 37 Residential Code pursuant to G.S. 143-138(d). The Council shall also consider any appeal or interpretation arising under G.S. 143-141 pertaining to the North Carolina Residential Code 38 39 volumes, as specified in G.S. 143-138(a). and make disposition of the appeal or issue an 40 interpretation."

- 41
- SECTION 5.2.(b) G.S. 143-137.1 reads as rewritten:

42 "§ 143-137.1. Organization of Residential Code Council; rules; meetings; staff; fiscal 43 affairs; quorum.

44 (a) First Meeting; Organization; Rules. - Within 30 days after its appointment, the 45 Residential Code Council shall meet on call of the State Fire Marshal. The Council shall adopt 46 rules it may deem necessary for the proper discharge of its duties. The chair may establish and 47 appoint members to any committees the work of the Council may require. In addition, the chair 48 may establish and appoint an ad hoc code revision committee committees to consider and prepare 49 revisions and amendments to the North Carolina Residential Code. The Each ad hoc committee 50 shall consist of members of the Council, licensed contractors, and design professionals most affected by the North Carolina Residential Code, and members of the public. Committees shall 51

1 meet upon the call of their respective chairs and shall report their recommendations to the 2 Council. 3 (b) Meetings. – The Residential Code Council shall meet regularly, at least once every 4 six months, at places and dates to be determined by the Council. Special meetings may be called 5 by the chair and must be called by the chair at the request of two or more members of the Council. 6 All members shall be notified by the chair in writing of the time and place of regular and special 7 meetings at least seven days in advance of such meeting. All meetings shall be open to the public. 8 Staff. – Personnel of the Division of Engineering of the Department of Insurance shall (c) 9 serve as a staff for the Residential Code Council. This staff shall Council, and have the following 10 duties: (1)Keeping an accurate and complete record of all meetings, hearings, 11 12 correspondence, laboratory studies, and technical work performed by or for 13 the Council, and making these records available for public inspection at all 14 reasonable times. 15 (2)Handling correspondence for the Council. Fiscal Affairs of the Council. - All funds for the operations of the Residential Code 16 (d) Council and its staff shall be appropriated to the Department of Insurance for the use of the 17 18 Council. These funds shall be held in a separate or special account on the books of the Department 19 of Insurance, with a separate financial designation or code number to be assigned by the 20 Department of Insurance or its agent. Expenditures for staff salaries and operating expenses shall 21 be made in the same manner as the expenditure of any other Department of Insurance funds. The 22 Department of Insurance may hire any additional personnel necessary to handle the work of the 23 Council, within the limits of funds appropriated for the Council and with the approval of the 24 Council. 25 (e) Quorum; Voting; No Proxy Vote. – Nine members shall constitute a quorum for the 26 transaction of business and an affirmative vote of nine members present shall be necessary to 27 approve any action of the Council, including any amendment or revision to the North Carolina 28 Residential Code. Code volumes, as specified in G.S. 143-138(a). No member may vote by 29 proxy." 30 SECTION 5.2.(c) G.S. 143-138 reads as rewritten: 31 "§ 143-138. North Carolina State Building Code. 32 Preparation and Adoption. - The Building Code Council and Residential Code (a) 33 Council may prepare and adopt, in accordance with the provisions of this Article, a North 34 Carolina State Building Code. The Building Code Council shall oversee codes applicable to commercial or multi-family construction and contained in Code volumes, as specified in 35 36 subdivisions (1) through (9) of this subsection, that apply to commercial and multi-family 37 construction. The Residential Code Council shall oversee codes applicable to residential construction and contained in Code volumes, as specified in subdivisions (1) through (10) of this 38 39 subsection, that apply to residential construction. Before the adoption of any volume of the Code, 40 or any part of the Code, the responsible Council shall hold at least one public hearing. A notice of the public hearing shall be published in the North Carolina Register at least 15 days before the 41 42 date of the hearing. Notwithstanding G.S. 150B-2(8a)h., any volume, or any part, of the North 43 Carolina State Building Code as adopted by the Building Code Council or Residential Code 44 Council is a rule within the meaning of G.S. 150B-2(8a) and shall be adopted in accordance with 45 the procedural requirements of Article 2A of Chapter 150B of the General Statutes. For the 46 purposes of this Article, "North Carolina State Building Code" or "Code" shall collectively refer 47 to all Code volumes, as revised or amended, prepared and adopted by the Building Code Council or Residential Code Council pursuant to this Article, including Article. The North Carolina State 48 49 Building Code shall consist of the following Code volumes: 50 North Carolina Administrative Code and Policies. (1)51 (2)North Carolina Building Code.

	General Assembly Of North Carolina Session 2023			
1	(3) North Carolina Electrical Code.			
2	(4) North Carolina Energy Conservation Code.			
3	(5) North Carolina Existing Building Code.			
4	(6) North Carolina Fire Code.			
5	(7) North Carolina Fuel Gas Code.			
6	(8) North Carolina Mechanical Code.			
7	(9) North Carolina Plumbing Code.			
8	(10) North Carolina Residential Code.			
9	•••			
0	(d) Amendments of the Code. – The Building Code Council and Residential Code			
1	Council may periodically revise and amend those parts of the North Carolina State Building Code			
2	for which those Councils are responsible, either on their own motion or upon application from			
3	any citizen, State agency, or political subdivision of the State. In addition to the periodic revisions			
4	or amendments made by the responsible Council, the Residential Code Council shall perform a			
5	comprehensive review and revise or amend the North Carolina Residential Code, including			
6	provisions applicable to dwellings covered by the North Carolina Residential Code, from the			
7	North Carolina Energy Conservation Code, North Carolina Electrical Code, North Carolina Fuel			
8	Gas Code, North Carolina Plumbing Code, and North Carolina Mechanical Code only every six			
9	years, to become effective the first day of January of the following year, with at least six months			
20	between adoption and effective date. The first six-year revision by the Residential Council under			
21	this subsection shall be adopted to become effective January 1, 2031, and every six years			
22	thereafter. After its appointment pursuant to G.S. 143-136.1, the Residential Code Council shall			
23	review the North Carolina Energy Conservation Code, the North Carolina Fuel Gas Code, and			
24	the North Carolina Mechanical Code as applicable to residential construction and may amend the			
25	those codes and any relevant chapters of the North Carolina Residential Code, affected by that			
26	review, by January 1, 2026. Following the adoption of amendments to the North Carolina			
27	Residential Code affected by that review, the North Carolina Residential Code shall also be			
28	subject to the first six-year revision under this subsection. In adopting any amendment, the			
29	Building Code Council and Residential Code Council shall comply with the same procedural			
30	requirements and the same standards for adoption of the Code. The Building Code Council and			
31	Residential Code Council, through the Office of the State Fire Marshal, shall publish in the North			
32	Carolina Register all appeal decisions made by the responsible Code Council and all formal			
33	opinions at least semiannually. The Building Code Council and Residential Code Council,			
34	through the Office of the State Fire Marshal, shall also publish at least semiannually in the North			
35	Carolina Register a statement providing the accurate website address and information on how to			
86	find additional commentary and interpretation of the Code.			
37				
38	SECTION 5.2.(d) In performing its review of the North Carolina State Building			
39	Code to amend relevant chapters of the North Carolina Residential Code after its appointment			
0	pursuant to G.S. 143-136.1, as required by G.S. 143-138(d), the Residential Code Council shall			
1	include relevant provisions from the North Carolina Administrative Code and Policies volume,			
2	as appropriate and modified by the Residential Code Council, in its amendment to the Residential			
13	Code.			
4	SECTION 5.2.(e) G.S. 143-139 reads as rewritten:			
15	"§ 143-139. Enforcement of Building Code.			
6				
17	(b1) Remedies. – In case any building or structure is maintained, erected, constructed, or			
8	reconstructed or its purpose altered, so that it becomes in violation of this Article or of the North			
9	Carolina State Building Code, either the local enforcement officer or the State Fire Marshal or			

reconstructed or its purpose altered, so that it becomes in violation of this Article or of the North
Carolina State Building Code, either the local enforcement officer or the State Fire Marshal or
other State official with responsibility under this section may, in addition to other remedies,
institute any appropriate action or proceeding to: (i) prevent the unlawful maintenance, erection,

construction, or reconstruction or alteration of purpose, or overcrowding, (ii) restrain, correct, or 1 2 abate the violation, or (iii) prevent the occupancy or use of the building, structure, or land until 3 the violation is corrected. In addition to the civil remedies set out in G.S. 160A-175 and 4 G.S. 153A-123, a county, city, or other political subdivision authorized to enforce the North 5 Carolina State Building Code within its jurisdiction may, for the purposes stated in (i) through (iii) of this subsection, levy a civil penalty for violation of the fire prevention code North Carolina 6 7 Fire Code of the North Carolina State Building Code, which penalty may be recovered in a civil 8 action in the nature of debt if the offender does not pay the penalty within a prescribed period of 9 time after the offender has been cited for the violation. If the State Fire Marshal or other State 10 official institutes an action or proceeding under this section, a county, city, or other political subdivision may not institute a civil action under this section based upon the same violation. 11 12 Appeals from the imposition of any remedy set forth herein, including the imposition of a civil 13 penalty by a county, city, or other political subdivision, shall be as provided in G.S. 160D-1127. 14"

- 15
- 16 17

SECTION 5.2.(f) G.S. 143-140 reads as rewritten:

"§ 143-140. Hearings before enforcement agencies as to questions under the North Carolina **State Building Code.**

18 (a) Any person desiring to raise any question under this Article or under the North 19 Carolina State Building Code shall be entitled to a technical interpretation from the appropriate 20 enforcement agency, as designated in the preceding section. G.S. 143-139. Upon request in 21 writing by any such person, the enforcement agency through an appropriate official shall within 22 a reasonable time provide a written interpretation, setting forth the facts found, the decision 23 reached, and the reasons therefor. In the event of dissatisfaction with such decision, the person 24 affected shall have the options of:

25

26

- 27 28
- (2)Appealing directly to the Superior Court, as provided in G.S. 143-141.

Appealing to the Building Code Council or the Residential Code

Council.responsible Code Council for the subject matter or code provision in

29 If an interpretation under this section or under G.S. 143-141(b) changes after a (b) 30 building permit is issued, the permit applicant may choose which version of the interpretation 31 will apply to the permit, unless such a choice would cause harm to life or property." 32

SECTION 5.2.(g) G.S. 87-10 reads as rewritten:

"§ 87-10. Application for license; examination; certificate; renewal.

33 34

. . .

35 An applicant shall identify an individual who has successfully passed an examination (b) 36 approved by the Board who, for purposes of this section, shall be known as the "qualifier" or the 37 "qualifying party" of the applicant. If the qualifier or the qualifying party seeks to take an examination, the examination shall establish (i) the ability of the applicant to make a practical 38 39 application of the applicant's knowledge of the profession of contracting; (ii) the qualifications 40 of the applicant in reading plans and specifications, knowledge of relevant matters contained in the North Carolina State Building Code, knowledge of estimating costs, construction, ethics, and 41 42 other similar matters pertaining to the contracting business; (iii) the knowledge of the applicant 43 as to the responsibilities of a contractor to the public and of the requirements of the laws of the 44 State of North Carolina relating to contractors, construction, and liens; and (iv) the applicant's 45 knowledge of requirements of the Sedimentation Pollution Control Act of 1973, Article 4 of 46 Chapter 113A of the General Statutes, and the rules adopted pursuant to that Article. If the 47 qualifier or qualifying party passes the examination, upon review of the application and all 48 relevant information, the Board shall issue a license to the applicant to engage in general 49 contracting in the State of North Carolina, which may be limited as follows:

50 51 (1)

question.

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1 2 3	(1a)	Residential contractor, which shall include any constructing only residences which are required to conference building code North Carolina Residential Code adoption and the shall be adopted by the s	orm to the residential		
4	Residential Code Council pursuant to G.S. 143-138.				
5	(2)	Highway contractor.			
6	(3)	Public utilities contractors, which shall include those who	ose operations are the		
7		performance of construction work on the following	subclassifications of		
8		facilities:			
9		a. Water and sewer mains, water service lines, and	I house and building		
10		sewer lines as defined in the North Carolina State	e Building Code, and		
11		water storage tanks, lift stations, pumping station	s, and appurtenances		
12		to water storage tanks, lift stations, and pumping	stations.		
13		b. Water and wastewater treatment facilities and ap	purtenances thereto.		
14		c. Electrical power transmission facilities, and pri	mary and secondary		
15		distribution facilities ahead of the point of delive	ry of electric service		
16		to the customer.			
17		d. Public communication distribution facilities.			
18		e. Natural gas and other petroleum products d			
19		provided the General Contractors Licensing Boa			
20		to a public utilities contractor limited to	-		
21		subclassifications for which the general contractor	-		
22	(4)	Specialty contractor, which shall include those whose op	-		
23		the performance of construction work requiring special sl	6		
24		use of specialized building trades or crafts, but which s	-		
25		operations now or hereafter under the jurisdiction, for the			
26		by any board or commission pursuant to the laws of	the State of North		
27	"	Carolina.			
28 29	····	$\mathbf{ION} = 2$ (b) C S 120A 248 mode as non-mitten.			
29 30		ION 5.2.(h) G.S. 130A-248 reads as rewritten: gulation of food and lodging establishments.			
31	ş 130A-240, Ke	gulation of food and fouging establishments.			
32	(g) All ho	tels, motels, tourist homes, and other establishments that	provide lodging for		
33		with the requirements of G.S. $143-138(b2)(2)$. Upon notif			
34	1 0 1 0	(2) by the code official responsible for enforcing the			
35	•	re Code (Fire Prevention) in accordance with G.S. 143-	e		
36		is authorized to suspend a permit issued pursuant to this s			
37	with G.S. 130A-2				
38	SECT	ION 5.2.(i) G.S. 143-151.8 reads as rewritten:			
39	"§ 143-151.8. De	finitions.			
40	(a) The fo	llowing definitions apply in this Article:			
41	(1)	Board The North Carolina Code Officials Qualification	n Board.		
42	(2)	Code. – Consists of all of the following:			
43		a. The North Carolina State Building Code adopted	by the Building Code		
44		Council and Residential Code Council under G.S			
45		b. Local building rules approved by the Building C	ode Council.<u>Council</u>		
46		and Residential Code Council.			
47		c. Any resolution adopted by a federally recogni			
48		which the Tribe adopts the North Carolina State	Building Code and		
49 50		related local building rules.			
50		d. The standards adopted by the State Fi $C = 142, 142, 15$	re Marshal under		
51		G.S. 143-143.15(a).			

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1	(3)	Code enforcement. – The examination and approval of plans and specifications, the inspection of the manner of construction, workmanship,
3 1		and materials for construction of buildings and structures and their components, or the enforcement of fire code regulations by any of the
5		following, to assure compliance with the North Carolina State Building Code
5 7		and related local building rules:a. An employee of the State or local government, except an employee of
8		the State Department of Labor engaged in the administration and
)		enforcement of sections of the Code that pertain to boilers and
) l		elevators.b. An employee of a federally recognized Indian Tribe employed to
2		perform inspections on tribal lands.
3		c. An individual contracting with the State, a local government, or a
1		federally recognized Indian Tribe to perform inspections on tribal
5		lands.
) 7		d. An individual who is employed by a company contracting with a county or a city to conduct inspections.
3		e. A person who is contracting with a local government to perform
)		third-party plan review under G.S. 160D-1110.1(d).
)		f. A person who is contracting with a permit applicant to perform
	(A)	third-party plan review under G.S. 160D-1110.1(e).
2 3	(4)	Local inspection department. – The agency or agencies of local government, or any government agency of a federally recognized Indian Tribe, with
1		authority to make inspections of buildings and to enforce the Code and other
5		laws, ordinances, and rules enacted by the State, a local government, or a
5		federally recognized Indian Tribe.
7 3	(5)	Qualified Code-enforcement official. – A person qualified under this Article
) }	(b) For p	to engage in the practice of Code enforcement. urposes of this Article, the population of a city or county is determined according
)	· / I	ent federal census, unless otherwise specified.
1		purposes of this Article, "willful misconduct, gross negligence, or gross
2 3	_	n addition to the meaning of those terms under other provisions of the General mmon law, includes any of the following:
, 1	(1)	Enforcing a Code requirement in areas or circumstances not specified in the
5	(1)	requirement.
5	(2)	Refusing to accept an alternative design or construction method that has been
7		appealed under G.S. 143-140.1 and found by the Office of the State Fire
3		Marshal to comply with the Code under the conditions or circumstances set forth in the Office of the State Fire Marshal's decision for that appeal.
)	(3)	Refusing to allow an alternative construction method currently included in the
1	(0)	Building Code under the conditions or circumstances set forth in the Code for
2		that alternative method.
3 1	(4)	Enforcing a requirement that is more stringent than or otherwise exceeds the
+ 5	(5)	Code requirement. Refusing to implement or adhere to an interpretation of the <u>North Carolina</u>
5		State Building Code issued by the Building Code Council-Council,
7		Residential Code Council, or the Office of the State Fire Marshal.
3	(6)	Habitually failing to provide requested inspections in a timely manner.
))	(7)	Enforcing a Code official's preference in the method or manner of installation of heating wartilation and air conditioning units, appliances, or againment if
)		of heating ventilation and air-conditioning units, appliances, or equipment if

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	it is not required by the State Building Code a	
	manufacturer's installation instructions or specific	cations."
110 1 4 7 1 7	SECTION 5.2.(j) G.S. 143-151.13 reads as rewritten:	P
"§ 143-15	1.13. Required standards and certificates for Code-enf	forcement officials.
 (f)	The Board shall issue a standard certificate to any person	who is currently licensed to
practice a	• •	,
1	(1) Architect, registered pursuant to Chapter 83A;	
	(2) General contractor, licensed pursuant to Article 1	of Chapter 87;
	(3) Plumbing or heating contractor, licensed pursuant	-
	(4) Electrical contractor, licensed pursuant to Article	-
	(5) Professional engineer, registered pursuant to Chap	
-	led the person successfully completes a short course, as	1 1
-	to the <u>North Carolina</u> State Building Code regulation	
	ation. The standard certificate shall authorize the person	
	break official in a particular type of position at the level the type of license or registration held in any profession spe	•
00000 UII	are type of needse of registration nera in any profession sp	
••••	SECTION 5.2.(k) G.S. 143-151.14 reads as rewritten:	
"§ 143-15	1.14. Comity.	
• • • •	·	
(c)	The certificates granted under subsections (a) and (b) of the	his section shall expire after
•	s unless within that time period the holder completes a she	1
	, relating to the North Carolina State Building Code regulat	tions and Code-enforcement
administr	ation.	
"	SECTION 5.2 (b) C C 142 151 17 and a second data	
"8 1/2 15	SECTION 5.2. (<i>l</i>) G.S. 143-151.17 reads as rewritten: 1.17. Grounds for disciplinary actions; investigation; a	dministrativa pragaduras
(a)	The Board has the power to suspend, revoke, demote to	-
	rtificate issued under this Article to any person to whom ar	
Bruitt a co	(1) Has been convicted of a felony against this Sta	
	convicted of a felony in another state that would al	
	committed in this State.	-
	(2) Has obtained certification through fraud, deceit, o	
	(3) Has knowingly aided or abetted any person	
	provisions of this Article or the North Carolina	
	building codes adopted by a federally recognized	Indian Tribe.
	(4) Has defrauded the public or attempted to do so.	
	(5) Has affixed his or her signature to a report of ins	-
	of service if no inspection has been made by hin immediate and responsible direction.	if or her or under his or her
	(6) Has been guilty of willful misconduct, gro	oss negligence or gross
	incompetence.	uss negligence, or gross
''	meompetence.	
	SECTION 5.2.(m) G.S. 153A-123 reads as rewritten:	
"§ 153A-	123. Enforcement of ordinances.	
••••		
(c1)	An ordinance may provide for the recovery of a civil	
	of the fire prevention code North Carolina Fire Code o	of the North Carolina State
Building	Code as authorized under G.S. 143-139.	
"		

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			• • •	G.S. 160A-175 reads as rew	rritten:
8	8 160A-	175. EI	nforcement of	ordinances.	
	 (a1)	Anor	dinanaa may n	rouida for the recovery of a	aivil populty by the sity for violation
of	(c1) Etho fire		• •	•	civil penalty by the city for violation
		-	ler G.S. 143-13		North Carolina State Building Code
as	autiion	ized und	lei 0.5. 145-15	19.	
	••••	SECT	TON 5.2 (a) (b)	G.S. 58-6-25 reads as rewrit	ten:
"8	58-6-2		rance regulate		
ð				ory enurger	
	(d)	Use o	f Proceeds. – 7	The Insurance Regulatory F	Fund is created as an interest-bearing
sp	. ,			u	is section and all fees collected under
-			-	0	and 9C of Chapter 143 of the General
				1	ent only pursuant to appropriation by
					visions of the State Budget Act. All
			•	v 1	General Fund for the following:
	-	•••			_
		(7)	v 11	1 1	t of Insurance to pay its expenses
					staff support for State boards and
					olina Manufactured Housing Board,
					rth Carolina Building Code Council,
					ncil, North Carolina Code Officials
			-		and Employees Liability Insurance
					nspector Licensure Board, and the
			Volunteer Sa	fety Workers' Compensatio	on Board.
" 9	50 70		· •	G.S. 58-78A-1 reads as rewr	ritten:
8	30-101	4-1. UI	nce of the Sta	te Fire Marshal.	
	 (b)	The C	office of the Sta	ate Fire Marshal shall be res	ponsible for all of the following:
	(0)			d Rescue Commission, Arti	
		(1) (2)			Premises, Article 79 of this Chapter.
		(2) (3)	-	eer Fire Department, Article	-
		(4)		Training and Permitting, A	1
		(5)	•		Foams, Article 82B of this Chapter.
		(6)	-	hters' Relief Funds, Article	-
		(7)	-	efighters' Relief Fund, Arti	-
		(8)		otection Grant Fund, Article	-
		(9)			ue Squad Workers' Pension Fund,
			Article 86 of	e	-
		(10)		fety Workers Assistance, A	rticle 87 of this Chapter.
		(11)		d Workers' Relief Fund, Art	-
		(12)	Building Cod	le Council and Building Coo	de, Residential Code Council, Article
			-	143 of the General Statutes	
		(13)			using Board-Manufactured Home
				Article 9A of Chapter 143 of	
		(14)			ed Homes, Article 9B of this Chapter
			-	f Chapter 143 of the Genera	-
		(15)			tion Board, Article 9C of this Chapter
			Article 9C o	f Chapter 143 of the Genera	al Statutes].

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1	(16)	North Carolina Home Inspector Licensure Board, Article 9F	F of this Chapter
2		[Article 9F of Chapter 143 of the General Statutes].	Ĩ
3	(17)	Engineering and Building Codes Division in the Department	of Insurance.
4	(18)	Risk Management Division in the Department of Insurance.	
5	(19)	Community Risk Reduction Division in the Department of Ir	isurance.
6	"		
7	SECT	TON 5.2.(q) G.S. 58-78A-16 reads as rewritten:	
8	-	tate Fire Marshal to inspect State property.	
9		tate Fire Marshal shall, as often as is required in the fire code	
10		d by the North Carolina Building Code Council or more often	
11		s it necessary, visit, inspect, and thoroughly examine every S	
12		rmine its protection from fire, including the property's occupa-	
13		arshal shall notify in writing the agency or official in charge o	
14	•	by the State Fire Marshal or any improvement considered b	•
15		cessary, and a copy of that notice shall be forwarded by the St	ate Fire Marshal
16	1	t of Administration.	
17	, , , , , , , , , , , , , , , , , , ,	ency or person authorized or directed by law to select a plan or	Ũ
18	1 0 ,	00 square feet or more for the use of any county, city, or sch	
19 20		ove of the plan until it is submitted to and approved by the State	
20 21	•	e proposed building from fire, including the property's occupa	
21 22	· · · ·	led by Session Laws 2009-474, s. 1, effective October 1, 2009 (ION 5.2.(r) G.S. 150B-21.5 reads as rewritten:	
22	"§ 150B-21.5.	Circumstances when notice and rule-making hearing	not required.
23 24	0	nstances when submission to the Commission not required	
25		dment. – An agency is not required to publish a notice of the	
26		r, hold a public hearing, or submit the amended rule to the	
27		oposes to amend a rule to do one of the following:	
28	(1)	Reletter or renumber the rule or subparts of the rule.	
29	(2)	Substitute one name for another when an organization or pos	ition is renamed.
30	$(\overline{3})$	Correct a citation in the rule to another rule or law when	
31	~ /	become inaccurate since the rule was adopted because of	
32		renumbering of the cited rule or law.	1
33	(4)	Change information that is readily available to the public, su	ch as an address,
34		email address, a telephone number, or a Web site.	
35	(5)	Correct a typographical error.	
36	(6)	Repealed by Session Laws 2019-140, s. 1(a), effective July 1	9, 2019.
37		nse to Commission An agency is not required to publish a	
38	the North Caroli	na Register or hold a public hearing when it proposes to ch	ange the rule in
39		lest or an objection by the Commission, unless the Commission	n determines that
40	the change is sub		
41		l. – An agency is not required to publish a notice of text in the	
42		a public hearing when it proposes to repeal a rule as a resu	lt of any of the
43	following:		
44	(1)	The law under which the rule was adopted is repealed.	
45	(2)	The law under which the rule was adopted or the rule in	self is declared
46	$\langle 2 \rangle$	unconstitutional.	.1 .
47 48	(3)	The rule is declared to be in excess of the agency's statutory and by Sagaian Laws 2022 124 and 21 2(a) affective Octob	-
48 40	· · · ·	led by Session Laws 2023-134, s. 21.2(e), effective Octob	ber 5, 2023 and
49 50	11	s adopted on or after that date. Carolina State Building Code. – The Building Code Council	is or Residential
50 51		<u>applicable, is not required to publish a notice of text in the</u>	
51	Cour Countin, as	s appreable, is not required to publish a notice of text in the	

 Register when it proposes to adopt a rule that concerns the North Carolina State Building 4 The Building Code Council is-or Residential Code Council, as applicable, is required to pa a notice in the North Carolina Register when it proposes to adopt a rule that concerns the 1 Carolina State Building Code. The notice must include all of the following: (1) A statement of the subject matter of the proposed rule making. (2) A short explanation of the reason for the proposed action. (3) A citation to the law that gives the agency the authority to adopt a rule of subject matter of the proposed rule making. (4) The person to whom questions or written comments may be submitted of subject matter of the proposed rule making. The Building Code Council is-or Residential Code Council, as applicable, is required under subsection. In adopting a rule, the responsible_Council shall comply with the proced requirements of G.S. 150B-21.3. (e) An agency that adopts or amends a rule pursuant to subsection (a) of this section notify the Codifier of Rules of its actions. When notified of an agency action taken pursuant subsection (a) of this section, the Codifier of Rules shall make the appropriate change in North Carolina Administrative Code." 	2023
 a notice in the North Carolina Register when it proposes to adopt a rule that concerns the Carolina State Building Code. The notice must include all of the following: A statement of the subject matter of the proposed rule making. A statement of the subject matter of the proposed rule making. A short explanation of the reason for the proposed action. A citation to the law that gives the agency the authority to adopt a rule of subject matter of the proposed rule making. A citation to the law that gives the agency the authority to adopt a rule of subject matter of the proposed rule making. The person to whom questions or written comments may be submitted of subject matter of the proposed rule making. The Building Code Council is-or Residential Code Council, as applicable, is require submit to the Commission for review a rule for which notice of text is not required under subsection. In adopting a rule, the responsible Council shall comply with the proced requirements of G.S. 150B-21.3. (e) An agency that adopts or amends a rule pursuant to subsection (a) of this section notify the Codifier of Rules of its actions. When notified of an agency action taken pursu subsection (a) of this section, the Codifier of Rules shall make the appropriate change to Rules and Administrative Code." 	Code.
 Carolina State Building Code. The notice must include all of the following: (1) A statement of the subject matter of the proposed rule making. (2) A short explanation of the reason for the proposed action. (3) A citation to the law that gives the agency the authority to adopt a rule of subject matter of the proposed rule making. (4) The person to whom questions or written comments may be submitted of subject matter of the proposed rule making. The Building Code Council is-or Residential Code Council, as applicable, is require submit to the Commission for review a rule for which notice of text is not required under subsection. In adopting a rule, the responsible Council shall comply with the proced requirements of G.S. 150B-21.3. (e) An agency that adopts or amends a rule pursuant to subsection (a) of this section notify the Codifier of Rules of its actions. When notified of an agency action taken pursu subsection (a) of this section, the Codifier of Rules shall make the appropriate change reading the condition of the code." 	ıblish
 (1) A statement of the subject matter of the proposed rule making. (2) A short explanation of the reason for the proposed action. (3) A citation to the law that gives the agency the authority to adopt a rule of subject matter of the proposed rule making. (4) The person to whom questions or written comments may be submitted of subject matter of the proposed rule making. The Building Code Council is-or Residential Code Council, as applicable, is require submit to the Commission for review a rule for which notice of text is not required under subsection. In adopting a rule, the responsible_Council shall comply with the proceder requirements of G.S. 150B-21.3. (e) An agency that adopts or amends a rule pursuant to subsection (a) of this section notify the Codifier of Rules of its actions. When notified of an agency action taken pursuant subsection (a) of this section, the Codifier of Rules shall make the appropriate changer North Carolina Administrative Code." 	North
 6 (2) A short explanation of the reason for the proposed action. 7 (3) A citation to the law that gives the agency the authority to adopt a rule of subject matter of the proposed rule making. 9 (4) The person to whom questions or written comments may be submitted of subject matter of the proposed rule making. 11 The Building Code Council is-or Residential Code Council, as applicable, is require submit to the Commission for review a rule for which notice of text is not required under subsection. In adopting a rule, the responsible Council shall comply with the proceder requirements of G.S. 150B-21.3. (e) An agency that adopts or amends a rule pursuant to subsection (a) of this section notify the Codifier of Rules of its actions. When notified of an agency action taken pursuant subsection (a) of this section, the Codifier of Rules shall make the appropriate change to North Carolina Administrative Code." 	
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18 North Carolina Administrative Code."	ant to
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19 SECTION 5.2.(s) G.S. 150B-21.21 reads as rewritten:	
20 "§ 150B-21.21. Publication of rules of North Carolina State Bar, Building Code Con	ıncil,
21 <u>Residential Code Council,</u> and exempt agencies.	
22 (a) State Bar. – The North Carolina State Bar must submit a rule adopted or approv	ed by
23 it and entered in the minutes of the North Carolina Supreme Court to the Codifier of Rul	es for
24 inclusion in the North Carolina Administrative Code. The State Bar must submit a rule with	in 30
25 days after it is entered in the minutes of the Supreme Court. The Codifier of Rules must con	npile,
26 make available for public inspection, and publish a rule included in the North Ca	olina
27 Administrative Code under this subsection in the same manner as other rules in the Code.	
28 (a1) Building Code Council. and Residential Code Council. – The Building Code Co	uncil
29 and Residential Code Council, as applicable, shall publish the North Carolina State Bu	lding
30 Code as provided in G.S. 143-138(g). The Codifier of Rules is not required to publish the	North
31 Carolina State Building Code in the North Carolina Administrative Code.	
32 (b) Exempt Agencies. – Notwithstanding any other provision of law, an agency t	hat is
33 exempted from this Article by G.S. 150B-1 or any other statute must submit a tempora	ry or
34 permanent rule adopted by it to the Codifier of Rules for inclusion in the North Ca	olina
35 Administrative Code. These exempt agencies must submit a rule to the Codifier of Rules w	vithin
36 30 days after adopting the rule.	
37 (c) Publication. – A rule submitted to the Codifier of Rules under this section must	be in
38 the physical form specified by the Codifier of Rules. The Codifier of Rules must compile,	make
39 available for public inspection, and publish a rule submitted under this section in the same m	anner
40 as other rules in the North Carolina Administrative Code."	
41 SECTION 5.2.(t) G.S. 150B-38 reads as rewritten:	
42 "§ 150B-38. Scope; hearing required; notice; venue.	
43 (a) The provisions of this Article shall apply to:	
44 (1) Occupational licensing agencies.	
45 (2) The State Banking Commission, the Commissioner of Banks, and the G	Credit
46 Union Division of the Department of Commerce.	
47 (3) The Department of Insurance and the Commissioner of Insurance.	
48 (4) The State Chief Information Officer in the administration of the provision	ons of
49 Article 15 of Chapter 143B of the General Statutes.	
50 (5) The North Carolina State Building Code <u>Council.Council and Resid</u>	ential
51 <u>Code Council, Article 9 of Chapter 143 of the General Statutes.</u>	

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1	(5a) The Office of the State Fire Marshal and the State Fire Marshal.
2	(6) Repealed by Session Laws 2018-146, s. 4.4(b), effective December 27, 2018.
	(b) Prior to any agency action in a contested case, the agency shall give the parties in the
	case an opportunity for a hearing without undue delay and notice not less than 15 days before the
	hearing. Notice to the parties shall include all of the following:
	(1) A statement of the date, hour, place, and nature of the hearing.
	(2) A reference to the particular sections of the statutes and rules involved.
	(3) A short and plain statement of the facts alleged.
	(c) Notice shall be given by one of the methods for service of process under G.S. 1A-1,
	Rule 4(j) or Rule 4(j3). If given by registered or certified mail, by signature confirmation as
	provided by the United States Postal Service, or by designated delivery service authorized
	pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, notice shall be deemed to have been
	given on the delivery date appearing on the return receipt, copy of proof of delivery provided by
	the United States Postal Service, or delivery receipt. If notice cannot be given by one of the
	methods for service of process under G.S. 1A-1, Rule 4(j) or Rule 4(j3), then notice shall be
	given in the manner provided in G.S. 1A-1, Rule 4(j1).
	(d) A party that has been served with a notice of hearing may file a written response with
	the agency. If a written response is filed, a copy of the response shall be mailed to all other parties
	not less than 10 days before the date set for the hearing.
	(e) All hearings conducted under this Article shall be open to the public. A hearing
	conducted by the agency shall be held in the county where the agency maintains its principal
	office. A hearing conducted for the agency by an administrative law judge requested under
	G.S. 150B-40 shall be held in a county in this State where any person whose property or rights
	are the subject matter of the hearing resides. If a different venue would promote the ends of
	justice or better serve the convenience of witnesses, the agency or the administrative law judge
	may designate another county. A person whose property or rights are the subject matter of the
	hearing waives an objection to venue by proceeding in the hearing.
	(f) Any person may petition to become a party by filing with the agency or hearing officer
	a motion to intervene in the manner provided by G.S. 1A-1, Rule 24. In addition, any person
	interested in a contested case under this Article may intervene and participate to the extent
	deemed appropriate by the agency hearing officer.
	(g) When contested cases involving a common question of law or fact or multiple
	proceedings involving the same or related parties are pending before an agency, the agency may
	order a joint hearing of any matters at issue in the cases, order the cases consolidated, or make
	other orders to reduce costs or delay in the proceedings.
	(h) Every agency shall adopt rules governing the conduct of hearings that are consistent
	with the provisions of this Article.
	(i) Repealed by Session Laws 2021-88, s. $16(c)$, effective July 22, 2021."
	SECTION 5.2.(u) This section becomes effective January 1, 2025.
	PART VI. REMOVE EXTRATERRITORIAL JURISDICTION AUTHORITY WITHIN
	THE COUNTY OF MOORE
	SECTION 6.1.(a) G.S. 160D-201 reads as rewritten:
	"§ 160D-201. Planning and development regulation jurisdiction.
	(a) Cities. – All of the powers granted by this Chapter may be exercised by any city within
	its corporate limits and within any extraterritorial area established pursuant to
	G.S. 160D-202.<u>limits.</u>
	" SECTION 6.1.(b) G.S. 160D-202 reads as rewritten:
	SECTION 0.1.(D) O.S. $100D-202$ reads as rewritten:
	"§ 160D-202. Municipal extraterritorial Transfer or relinquishment of jurisdiction.

Geographic Scope. Any city may exercise the powers granted to cities under this 1 (a) 2 Chapter within a defined area extending not more than one mile beyond its contiguous corporate 3 limits. In addition, a city of 10,000 or more population but less than 25,000 may exercise these 4 powers over an area extending not more than two miles beyond its limits and a city of 25,000 or 5 more population may exercise these powers over an area extending not more than three miles 6 beyond its limits. In determining the population of a city for the purposes of this Chapter, the city council and the board of county commissioners may use the most recent annual estimate of 7 8 population as certified by the Secretary of the North Carolina Department of Administration. 9 Pursuant to G.S. 160A-58.4, extraterritorial municipal planning and development regulation may 10 be extended only from the primary corporate boundary of a city and not from the boundary of 11 satellite areas of the city.

12 (b) Authority in the Extraterritorial Area. A city may not exercise any power conferred 13 by this Chapter in its extraterritorial jurisdiction that it is not exercising within its corporate limits. 14 A city may exercise in its extraterritorial area all powers conferred by this Chapter that it is 15 exercising within its corporate limits. If a city fails to extend a particular type of development 16 regulation to the extraterritorial area, the county may elect to exercise that particular type of 17 regulation in the extraterritorial area.

18 (c) County Approval of City Jurisdiction. Notwithstanding subsection (a) of this 19 section, no city may extend its extraterritorial powers into any area for which the county has 20 adopted and is enforcing county zoning and subdivision regulations. However, the city may do 21 so where the county is not exercising both of these powers, or when the city and the county have 22 agreed upon the area within which each will exercise the powers conferred by this Chapter. No 23 city may extend its extraterritorial powers beyond one mile from its corporate limits without the 24 approval of the board or boards of county commissioners with jurisdiction over the area.

25 (d)Notice of Proposed Jurisdiction Change. Any municipality proposing to exercise 26 extraterritorial jurisdiction under this Chapter shall notify the owners of all parcels of land 27 proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax 28 records. The notice shall be sent by first-class mail to the last addresses listed for affected 29 property owners in the county tax records. The notice shall inform the landowner of the effect of 30 the extension of extraterritorial jurisdiction, of the landowner's right to participate in a legislative 31 hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as 32 provided in G.S. 160D-601, and of the right of all residents of the area to apply to the board of 33 county commissioners to serve as a representative on the planning board and the board of 34 adjustment, as provided in G.S. 160D-303. The notice shall be mailed at least 30 days prior to 35 the date of the hearing. The person or persons mailing the notices shall certify to the city council 36 that the notices were sent by first class mail, and the certificate shall be deemed conclusive in the 37 absence of fraud.

38 (e) Boundaries. Any council exercising extraterritorial jurisdiction under this Chapter 39 shall adopt an ordinance specifying the areas to be included based upon existing or projected 40 urban development and areas of critical concern to the city, as evidenced by officially adopted 41 plans for its development. A single jurisdictional boundary shall be applicable for all powers 42 conferred in this Chapter. Boundaries shall be defined, to the extent feasible, in terms of 43 geographical features identifiable on the ground. Boundaries may follow parcel ownership 44 boundaries. A council may, in its discretion, exclude from its extraterritorial jurisdiction areas 45 lying in another county, areas separated from the city by barriers to urban growth, or areas whose 46 projected development will have minimal impact on the city. The boundaries specified in the 47 ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a 48 combination of these techniques. This delineation shall be maintained in the manner provided in 49 G.S. 160A-22 for the delineation of the corporate limits and shall be recorded in the office of the 50 register of deeds of each county in which any portion of the area lies.

1 Where the extraterritorial jurisdiction of two or more cities overlaps, the jurisdictional 2 boundary between them shall be a line connecting the midway points of the overlapping area 3 unless the city councils agree to another boundary line within the overlapping area based upon 4 existing or projected patterns of development.

5 (f) County Authority Within City Jurisdiction. – The county may, on request of the city 6 council, exercise any or all of these-the powers granted in this Chapter in any or all areas lying 7 within the city's corporate limits or within the city's specified area of extraterritorial 8 jurisdiction.limits.

9 Transfer of Jurisdiction. - When a city annexes, annexes or a new city is incorporated (g) 10 in, or a city extends its jurisdiction to include, in an area that is currently being regulated by the county, the county development regulations and powers of enforcement shall remain in effect 11 12 until (i) the city has adopted such development regulations or (ii) a period of 60 days has elapsed following the annexation, extension, annexation or incorporation, whichever is sooner. Prior to 13 14 the transfer of jurisdiction, the city may hold hearings and take any other measures consistent 15 with G.S. 160D-204 that may be required in order to adopt and apply its development regulations 16 for the area at the same time it assumes jurisdiction.

17 Relinquishment of Jurisdiction. – When a city relinquishes jurisdiction over an area (h) 18 that it is regulating under this Chapter to a county, the city development regulations and powers 19 of enforcement shall remain in effect until (i) the county has adopted such development 20 regulation or (ii) a period of 60 days has elapsed following the action by which the city 21 relinquished jurisdiction, whichever is sooner. Prior to the transfer of jurisdiction, the county 22 may hold hearings and take other measures consistent with G.S. 160D-204 that may be required 23 in order to adopt and apply its development regulations for the area at the same time it assumes 24 jurisdiction.

(i) Process for Local Government Approval. – When a local government is granted
powers by this section subject to the request, approval, or agreement of another local government,
the request, approval, or agreement shall be evidenced by a formally adopted resolution of the
governing board of the local government. Any such request, approval, or agreement can be
rescinded upon two years' written notice to the other governing boards concerned by repealing
the resolution. The resolution may be modified at any time by mutual agreement of the governing
boards concerned.

32 (j) Local Acts. Nothing in this section shall repeal, modify, or amend any local act that
 33 defines the boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and
 34 distances.

35 Effect on Vested Rights. – Whenever a city or county, pursuant to this section, (k) 36 acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another 37 local government, any person who has acquired vested rights in the surrendering jurisdiction may 38 exercise those rights as if no change of jurisdiction had occurred. The city or county acquiring 39 jurisdiction may take any action regarding such a development approval, certificate, or other 40 evidence of compliance that could have been taken by the local government surrendering 41 jurisdiction pursuant to its development regulations. Except as provided in this subsection, any 42 building, structure, or other land use in a territory over which a city or county has acquired 43 jurisdiction is subject to the development regulations of the city or county."

44 45 **SECTION 6.1.(c)** G.S. 160D-307 is repealed.

SECTION 6.1.(d) G.S. 160D-602 reads as rewritten:

46 "§ 160D-602. Notice of hearing on proposed zoning map amendments.

47 (a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide 48 for the manner in which zoning regulations and the boundaries of zoning districts are to be 49 determined, established, and enforced, and from time to time amended, supplemented, or 50 changed, in accordance with the provisions of this Chapter. The owners of affected parcels of 51 land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of

1 the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed 2 for such owners on the county tax abstracts. For the purpose of this section, properties are 3 "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must 4 be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. If 5 the zoning map amendment is being proposed in conjunction with an expansion of municipal 6 extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single 7 hearing on the zoning map amendment and the boundary amendment may be held. In this 8 instance, the initial notice of the zoning map amendment hearing may be combined with the 9 boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the 10 hearing." 11

12

13

SECTION 6.1.(e) G.S. 160D-903(c) is repealed.

SECTION 6.1.(f) G.S. 160D-912 reads as rewritten:

14 15

. . .

"§ 160D-912. Outdoor advertising.

16 (m) This section does not apply to any ordinance in effect on July 1, 2004. A local 17 government may amend an ordinance in effect on July 1, 2004, to extend application of the 18 ordinance to off-premises outdoor advertising located in territory acquired by annexation or 19 located in the extraterritorial jurisdiction of the city. annexation. A local government may repeal 20 or amend an ordinance in effect on July 1, 2004, so long as the amendment to the existing 21 ordinance does not reduce the period of amortization in effect on June 19, 2020."

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- 23 24

SECTION 6.1.(g) G.S. 160D-925(e) is repealed.

SECTION 6.1.(h) G.S. 160D-1102(a) reads as rewritten:

25 "(a) A local government may create an inspection department and may appoint inspectors 26 who may be given appropriate titles, such as building inspector, electrical inspector, plumbing 27 inspector, housing inspector, zoning inspector, heating and air-conditioning inspector, fire 28 prevention inspector, or deputy or assistant inspector, or another title generally descriptive of the 29 duties assigned. Every local government shall perform the duties and responsibilities set forth in 30 G.S. 160D-1104 either by (i) creating its own inspection department, (ii) creating a joint 31 inspection department in cooperation with one or more other units of local government, pursuant 32 to Part 1 of Article 20 of Chapter 160A of the General Statutes, (iii) contracting with another unit 33 of local government for the provision of inspection services pursuant to Part 1 of Article 20 of 34 Chapter 160A of the General Statutes, or (iv) arranging for the county in which a city is located 35 to perform inspection services within the city's jurisdiction as authorized by G.S. 160D-1104 and 36 G.S. 160D-202. G.S. 160D-1104. Every local government shall designate a person responsible 37 for the daily oversight of the local government's duties and responsibilities under 38 G.S. 160D-1104."

39

SECTION 6.1.(i) G.S. 160D-1125(c) reads as rewritten:

40 "(c) Additional Lien. - The amounts incurred by a local government in connection with 41 the removal or demolition are also a lien against any other real property owned by the owner of 42 the building or structure and located within the local government's planning and development 43 regulation jurisdiction, and for cities without extraterritorial planning and development jurisdiction, within one mile of the city limits, jurisdiction, except for the owner's primary 44 45 residence. The provisions of subsection (b) of this section apply to this additional lien, except 46 that this additional lien is inferior to all prior liens and shall be collected as a money judgment."

- 47
- SECTION 6.1.(j) G.S. 113A-208(d) reads as rewritten:

An ordinance adopted under the authority of this section applies to all protected 48 "(d) 49 mountain ridges as defined in G.S. 113A-206. A county or city may apply the ordinance to other 50 mountain ridges within its jurisdiction if it finds that this application is reasonably necessary to 51 protect against some or all of the hazards or problems set forth in G.S. 113A-207. Additionally,

a city with a population of 50,000 or more may apply the ordinance to other mountain ridges
 within its extraterritorial planning jurisdiction if it finds that this application is reasonably
 necessary to protect against some or all of the hazards or problems set forth in G.S. 113A-207."

4 **SECTION 6.1.(k)** G.S. 130A-317(d) reads as rewritten: 5 "(d) Municipalities, counties, local boards or commissions, water and sewer authorities, 6 or groups of municipalities and counties may establish and administer within their utility service 7 areas their own approval program in lieu of State approval of water system plans required in 8 subsection (c) of this section for construction or alteration of the distribution system of a proposed 9 or existing public water system, subject to the prior certification of the Department. For purposes 10 of this subsection, the service area of a municipality shall include only that area within the corporate limits of the municipality and that area outside a municipality in its extraterritorial 11 12 jurisdiction where water service is already being provided to the permit applicant by the 13 municipality or connection to the municipal water system is immediately available to the 14 applicant; the service areas of counties and the other entities or groups shall include only those 15 areas where water service is already being provided to the applicant by the permitting authority 16 or connection to the permitting authority's system is immediately available. For purposes of this 17 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a 18 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter 19 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the 20 municipality's relinquishment of extraterritorial planning jurisdiction over the area in accordance with the law. No later than the 180th day after the receipt of an approval program and statement 21 22 submitted by any local government, commission, authority, or board, the Department shall certify 23 any local program that meets all of the following conditions:"

24 25

SECTION 6.1.(*l***)** G.S. 136-55.1(b) reads as rewritten:

26 "(b) In keeping with its overall zoning scheme and long-range plans regarding the 27 extraterritorial jurisdiction area, a <u>A</u> municipality may keep open and assume responsibility for 28 maintenance of a road within one mile of its corporate limits once it is abandoned from the State 29 highway system."

30

SECTION 6.1.(m) G.S. 136-63(b) reads as rewritten:

31 "(b) In keeping with its overall zoning scheme and long range plans regarding the 32 extraterritorial jurisdiction area, a <u>A</u> municipality may keep open and assume responsibility for 33 maintenance of a road within one mile of its corporate limits once it is abandoned from the State 34 highway system."

35

SECTION 6.1.(n) G.S. 136-66.3(a) reads as rewritten:

36 "(a) Municipal Participation Authorized. – A municipality may, but is not required to, 37 participate in the right-of-way and construction cost of a State transportation improvement 38 approved by the Board of Transportation under G.S. 143B-350(f)(4) that is located in the 39 municipality or its extraterritorial jurisdiction.municipality."

40

SECTION 6.1.(o) G.S. 143-138(e) reads as rewritten:

41 Effect upon Local Codes. - Except as otherwise provided in this section, the North "(e) 42 Carolina State Building Code shall apply throughout the State, from the time of its adoption. 43 Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any 44 political subdivision of the State may adopt a fire prevention code and floodplain management 45 regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for 46 this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal 47 jurisdiction shall include all areas within the corporate limits of the municipality and extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act; 48 49 municipality; county jurisdiction shall include all other areas of the county. No such code or 50 regulations, other than floodplain management regulations and those permitted by G.S. 160D-1128, shall be effective until they have been officially approved by the Building Code 51

1 Council as providing adequate minimum standards to preserve and protect health and safety, in 2 accordance with the provisions of subsection (c) above. Local floodplain regulations may 3 regulate all types and uses of buildings or structures located in flood hazard areas identified by 4 local, State, and federal agencies, and include provisions governing substantial improvements, 5 substantial damage, cumulative substantial improvements, lowest floor elevation, protection of 6 mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant 7 materials, and other measures the political subdivision deems necessary considering the 8 characteristics of its flood hazards and vulnerability. In the absence of approval by the Building 9 Code Council, or in the event that approval is withdrawn, local fire prevention codes and 10 regulations shall have no force and effect. Provided any local regulations approved by the local governing body which are found by the Council to be more stringent than the adopted statewide 11 12 fire prevention code and which are found to regulate only activities and conditions in buildings, 13 structures, and premises that pose dangers of fire, explosion or related hazards, and are not 14 matters in conflict with the State Building Code, may be approved. Local governments may enforce the fire prevention code of the State Building Code using civil remedies authorized under 15 G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official 16 17 with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139, 18 a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175 19 based upon the same violation. Appeals from the assessment or imposition of such civil remedies 20 shall be as provided in G.S. 160D-1127.

21 A local government may not adopt any ordinance in conflict with the exemption provided by 22 subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the 23 exemption provided by subsection (c1) of this section."

24

SECTION 6.1.(p) G.S. 143-215.1(f) reads as rewritten:

25 Local Permit Programs for Sewer Extension and Reclaimed Water Utilization. -"(f) 26 Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of 27 municipalities and counties may establish and administer within their utility service areas their 28 own general permit programs in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and 29 (8) above, for construction, operation, alteration, extension, change of proposed or existing sewer 30 system, subject to the prior certification of the Commission. For purposes of this subsection, the 31 service area of a municipality shall include only that area within the corporate limits of the 32 municipality and that area outside a municipality in its extraterritorial jurisdiction where sewer 33 service or a reclaimed water utilization system is already being provided by the municipality to 34 the permit applicant or connection to the municipal sewer system or a reclaimed water utilization 35 system is immediately available to the applicant; the service areas of counties and the other 36 entities or groups shall include only those areas where sewer service or a reclaimed water 37 utilization system is already being provided to the applicant by the permitting authority or 38 connection to the permitting authority's system is immediately available. For purposes of this 39 subsection, the term "extraterritorial jurisdiction" means the boundaries of the area over which a 40 municipality was exercising extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes, or its successor Chapter 160D of the General Statutes, prior to the 41 42 municipality's relinquishment of extraterritorial planning jurisdiction over the area in accordance 43 with the law. No later than the 180th day after the receipt of a program and statement submitted 44 by any local government, commission, authority, or board the Commission shall certify any local 45 program that does all of the following:"

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- 47 48

SECTION 6.1.(g) G.S. 153A-317.14(a)(6) is repealed.

SECTION 6.1.(r) G.S. 160A-58.4 reads as rewritten:

49 "§ 160A-58.4. Extraterritorial powers.

50 Satellite corporate limits shall not be considered a part of the city's corporate limits for the 51 purposes of extraterritorial land use regulation pursuant to G.S. 160D 202 or abatement of public

1	health nuisances pursuant to G.S. 160A-193. However, a city's power to regulate land use
2	pursuant to Chapter 160D of the General Statutes or to abate public health nuisances pursuant to
3	G.S. 160A-193, shall be the same within satellite corporate limits as within its primary corporate
4	limits."
5	SECTION 6.1.(s) G.S. 160A-176.1(a) reads as rewritten:
6	"(a) A city may adopt ordinances to regulate and control swimming, surfing and littering
7	in the Atlantic Ocean adjacent to that portion of the city within its boundaries or within its
8	extraterritorial jurisdiction; boundaries; provided, however, nothing contained herein shall be
9	construed to permit any city to prohibit altogether swimming and surfing or to make these
10	activities unlawful."
11	SECTION 6.1.(t) G.S. 160A-176.2(a) reads as rewritten:
12	"(a) A city may adopt ordinances to regulate and control swimming, personal watercraft
13	operation, surfing and littering in the Atlantic Ocean and other waterways adjacent to that portion
14	of the city within its boundaries or within its extraterritorial jurisdiction; boundaries; provided,
15	however, nothing contained herein shall be construed to permit any city to prohibit altogether
16	swimming or surfing or to make these activities unlawful."
17	SECTION 6.1.(u) G.S. 160A-296(a1) is repealed.
18	SECTION 6.1.(v) G.S. 160A-299(d) reads as rewritten:
19	"(d) This section shall apply to any street or public alley within a city or its extraterritorial
20	jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has
21	actually been opened. This section also applies to unopened streets or public alleys that are shown
22	on plats but that have not been accepted or maintained by the city, provided that this section shall
23	not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to
24	G.S. 136-96."
25	SECTION 6.1.(w) Any provision in a local act that grants a city, within the County
26	of Moore, the power to exercise extraterritorial planning jurisdiction under Article 19 of Chapter
27	160A of the General Statutes, or its successor Chapter 160D of the General Statutes, is hereby
28	repealed.
29	SECTION 6.1.(x) This section becomes effective August 1, 2025, and applies to
30	cities within the County of Moore.
31	SECTION 6.2. No city, within the County of Moore, may expand its extraterritorial
32	jurisdiction beyond the territory that the city was exercising extraterritorial jurisdiction authority
33	upon as of June 1, 2024.
34	SECTION 6.3.(a) Notwithstanding G.S. 160D-202(h), the relinquishment of
35	jurisdiction over an area that a city, within the County of Moore, is regulating under the authority
36	of extraterritorial planning jurisdiction under Article 19 of Chapter 160A of the General Statutes,
37	or its successor Chapter 160D of the General Statutes, shall be determined by the County of
38	Moore, not the city which has been exercising extraterritorial jurisdiction over the area.
39	SECTION 6.3.(b) Nothing in this Part shall be construed as prohibiting a city, within
40	the County of Moore, from relinquishing jurisdiction over an area prior to the effective date set
41	forth in Section $6.1(x)$ of this Part so long as the city complies with the provisions of Article 19
42	of Chapter 160A of the General Statutes, or its successor Chapter 160D of the General Statutes.
43	SECTION 6.3.(c) Upon relinquishment of jurisdiction over an area that a city, within
44	the County of Moore, is regulating under the authority of extraterritorial planning jurisdiction
45	under Article 19 of Chapter 160A of the General Statutes, or its successor Chapter 160D of the
46	General Statutes:
47	(1) The city regulations and powers of enforcement shall remain in effect until
48	the earlier of the effective date of the land use regulations adopted by the
49 50	County of Moore with jurisdiction over the area or 60 days after the effective data set forth in Section 6.1(x) of this Part for that county. If the sixtisth day
50 51	date set forth in Section $6.1(x)$ of this Part for that county. If the sixtieth day falls on a holiday or weakend, the part business day shall be treated as the
51	falls on a holiday or weekend, the next business day shall be treated as the

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	sixtieth day. The county may hold hearings and take of be required in order to adopt county regulations for effective date set forth in Section $6.1(x)$ of this Part for	the area prior to the that county.	
(2)	Any person who has acquired vested rights under a per- evidence of compliance issued by the city may exerci		
	change of jurisdiction had occurred. The county acqu		
	take any action regarding the permit, certificate,		
	compliance that could have been taken by the city su	rrendering jurisdictio	
	pursuant to the city ordinances and regulations. Exce	ept as provided in the	
	section, any building, structure, or other land use in a t	erritory over which th	
	County of Moore has acquired jurisdiction is subject	to the ordinances an	
	regulations of the county. At least 180 days prior to the		
	in Section $6.1(x)$ of this Part, cities within the County	or Moore shall notif	
	the county of the following:		
	a. The boundaries of the city's extraterritorial juri	-	
	b. The existing land use regulations applying		
	jurisdiction in that county, including zoning an	• •	
	c. Any pending requests for amendments or other		
	land use regulations applying to that extraterrite	orial jurisdiction in the	
	county.	• • • • •	
	d. Any vested rights with respect to properties	in the extraterritoria	
SEC	jurisdiction in that county.	• • • • • • •	
	FION 6.4. This Part shall have no effect on the extrate	rritorial jurisdiction (
	officers as authorized in any of the following:		
(1)	Chapter 77 of the General Statutes. G.S. 15A-402.		
(2)	G.S. 13A-402. G.S. 20-38.2.		
(3)	G.S. 20-38.2. G.S. 160A-286.		
(4) (5)	Any local act or provision of general law.		
	FION 6.5. Except as otherwise provided, this Part is effe	ective when it become	
law.	TOTO 0.5. Except as other wise provided, this fart is end		
14.00.			
PART VIL SEV	ERABILITY CLAUSE AND EFFECTIVE DATE		
SEVERABILIT	Y CLAUSE		
	FION 7.1. If any section or provision of this act is decla	red unconstitutional of	
invalid by the courts, it does not affect the validity of this act as a whole or any part other than			
•	to be unconstitutional or invalid.	~ 1	
EFFECTIVE D	ATE		
SEC	FION 7.2. Except as otherwise provided, this act is effe	ective when it become	
1	- *		

42 law.