

**AN ORDINANCE AMENDING
THE TOWN OF SUNSET BEACH
CODE OF ORDINANCES
TO ADD
CHAPTER 51 TITLED BUILDING CODE
TO THE CODE OF ORDINANCES**

BE IT ORDAINED by the Town Council of the Town of Sunset Beach that Chapter 51 titled Building Code of the Town of Sunset Beach Code of Ordinances is hereby added as follows:

CHAPTER 51. BUILDING CODE

Sections:

GENERAL PROVISIONS

- 51.01 Scope of Charter and Codes
- 51.02 Building Code Adopted
- 51.03-51.06 Reserved
- 51.07 Amendment to Codes
- 51.08 Compliance with Codes
- 51.09 Copies of Codes to be Files with Clerk
- 51.10-50.14 Reserved

INSPECTION DIVISION

- 51.15 Organization of Division
- 51.16 General Duties of Division and Inspector; Jurisdiction Thereof
- 51.17 Conflicts of Interest
- 51.18 Reports and Records
- 51.19 Inspection Procedure
- 51.20 Oversight not to Legalize Violation
- 51.21 Powers of Inspectors
- 51.22-50.29 Reserved

ENFORCEMENT

- 51.30 Permits Required; Building Permit
- 51.31 Application for Permit
- 51.31 Plans and Specifications
- 51.33 Limitations on Issuance of Permits
- 51.34 Issuance of Permits
- 51.35 Revocation of Permits
- 51.36 Time Limitations on Validity of Permits
- 51.37 Changes in Work
- 51.38 Permit Fees, Inspection Fees
- 51.39 Town Held Harmless
- 51.40-51.99 Reserved

MINIMUM HOUSING STANDARDS - Reserved

REPAIR, CLOSING OR DEMOLITION OF ABANDONED STRUCTURES - Reserved

MOVERS OF BUILDINGS AND STRUCTURES - Reserved

GENERAL PROVISIONS

§ 51.01 SCOPE OF CHAPTER AND CODES.

The provisions of this chapter and of the regulatory codes herein adopted shall apply to the following:

- (A) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use and occupancy of every building or structure or any appurtenances connected to, attached to or detached from the building or structure;
- (B) The installation, erection, alteration, repair, use and maintenance of plumbing systems consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems, and all fixtures and appurtenances thereof;
- (C) The installation, erection, alteration, repair, use and maintenance of mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment and appurtenances thereof; and
- (D) The installation, erection, alteration, repair, use and maintenance of electrical systems and appurtenances thereof.

§ 51.02 BUILDING CODE ADOPTED.

The currently approved edition of the North Carolina State Building Code and all technical codes including Residential, Electrical, Plumbing, Mechanical, Fuel Gas, Fire Prevention, Energy Conservation and Administration, Existing Buildings, Rehabilitation and all appendices, as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein.

§§51.03 – 51.06 RESERVED.

§ 51.07 AMENDMENTS TO CODES.

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the town at the time the amendments are filed with the Town Clerk or Building Inspector as provided in § 51.09. New codes created from time to time related to §§ 51.02 to 51.06 such as energy and insulation codes are hereby incorporated via reference as adopted and amended by the North Carolina Building Code Council.

§ 51.08 COMPLIANCE WITH CODES.

All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished or moved shall conform to the requirements, minimum standards and other provisions of the North Carolina State Building Codes.

§ 51.09 COPIES OF CODES TO BE FILED WITH CLERK.

An official copy of each regulatory code adopted herein, and official copies of all amendments thereto, shall be kept on file in the office of the Town Clerk or Building Inspector. The copies shall be the official copies of the codes and the amendments.

§§ 51.10—51.14 RESERVED.

INSPECTION DIVISION

§ 51.15 ORGANIZATION OF DIVISION.

The Inspection Division of the town shall consist of a Building Inspector, and may also include a Plumbing Inspector, a Mechanical Inspector, an Electrical Inspector and any other inspectors or deputy or assistant inspectors as may be authorized by the Town Council. The Inspection Division shall be a component of the Department of Planning and Inspections and fall under the jurisdiction thereof for the purpose of organization, administration, supervision and coordination in compliance with Chapter 30 of the code of ordinances.

§ 51.16 GENERAL DUTIES OF DIVISION AND INSPECTORS; JURISDICTION THEREOF.

(A) General duties. It shall be the duty of the Inspection Division to enforce all of the provisions of this chapter and of the regulatory codes adopted herein, and to make all inspections necessary to ensure compliance with the provisions of this chapter and the North Carolina Building Codes including, but not limited to:

- (1) Receive applications and supporting data for permits;
- (2) Issue or deny permits;
- (3) Make all necessary inspections to ensure code compliance;
- (4) Identify provisions found to be inconsistent with the inspection;
- (5) Issue or deny certificates of compliance and certificates of occupancy;
- (6) Issue stop work orders or orders to correct violations;
- (7) Maintain adequate records of permits issue or denied, inspections made, corrections ordered and certifications issued; and
- (8) Take other actions that may be required to adequately enforce the code pursuant to statute (including, but not limited to, G.S. § 160A-412).

(B) Qualifications; code enforcement official's qualifications. No state or local government employee shall enforce any provision of the North Carolina State Building Codes who does not possess an appropriate valid certificate issued by the North Carolina Code Official's Qualification Board as specified in G.S. §§ 143-151.13, 153A-351.1 and 160A-411.1.

(C) Jurisdiction. The Inspection Division and the inspectors thereof shall have, pursuant to G.S. §§ 160A-411 and 160A-413, jurisdiction over all areas within the town limits, all extraterritorial areas that the town has jurisdiction pursuant to state laws, and over any areas in which the municipality have contracted with another unit of government to perform code enforcement.

§ 51.17 CONFLICTS OF INTEREST.

No officer or employee of the Inspection Division shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building or any part thereof, or in the making of plans or specifications therefor, unless he or she is the owner of the building. No officer or employee of the Inspection Division shall engage in any work which is inconsistent with his or her duties or with the interests of the town as subject by G.S. § 160A-415.

§ 51.18 REPORTS AND RECORDS.

The Inspection Division shall keep complete, permanent and accurate records in convenient form of all applications received, permits issued, inspections and re-inspections made, and all other work and activities of the Inspection Division. Periodic reports shall be submitted to the Town Council and to other agencies, as required.

§ 51.19 INSPECTION PROCEDURE.

(A) Inspections.

(1) Generally. The Inspection Division shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine compliance with the appropriate codes. All holders of permits, or their agents, shall notify the Inspection Division and the appropriate inspector when work is ready for inspection and to provide access to and means for inspection of work for any inspections that are required by this code. Refer to the North Carolina Administrative Code for a list of all required inspections as amended by the North Carolina General Assembly and the North Carolina Building Code Council. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Inspector.

(2) Foundation inspection. To be made after trenches are excavated and the necessary reinforcement and forms are in place, and before concrete is placed. Drilled footings, piles and similar types of foundations shall be inspected as installed.

(B) Calls for inspection. Request for inspections may be made to the office of the Inspection Division or to the appropriate inspector. The Inspection Division shall make inspections as soon as practicable after a request is made therefor; provided the work is ready for inspection at the time the request is made.

(C) Re-inspections. Re-inspections may be made at the convenience of the inspector. No work shall be inspected until it is in proper and completed condition ready for inspection. All work which has been concealed before the inspection and approval shall be uncovered at the request of the inspector and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the appropriate inspector in the form of a notice posted on the building or given to the permit holder or his or her agent. Failure to call for inspections or proceeding without approval at each stage of construction shall be deemed a violation of this chapter.

(D) Certificate of occupancy. No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Inspection Division has issued a certificate of occupancy therefor. A temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building. The Inspection Division shall issue a certificate of occupancy when, after examination and inspection, it is found that the building in all

respects conforms to the provisions of this chapter, the regulatory codes and the zoning code for the occupancy intended.

§ 51.20 OVERSIGHT NOT TO LEGALIZE VIOLATION.

No oversight or dereliction of duty on the part of any inspector or other official or employee of the Inspection Division shall be deemed to legalize the violation of any provision of this chapter or any provision of any regulatory code herein adopted.

§ 51.21 POWERS OF INSPECTORS.

(A) Authority. Inspectors are hereby authorized, empowered and directed to enforce all the provisions of this chapter, and the regulatory codes herein adopted.

(B) Right of entry. With an appropriate warrant or permission from the owner or occupant, inspectors shall have the right to enter on any premises within the jurisdiction of the regulatory codes herein adopted at reasonable hours for the purpose of inspection or enforcement of the requirements of this chapter and the applicable regulatory codes, including but not limited to G.S. §§ 160A-420 and 160A-421.

(C) Stop orders. Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered or repaired in a hazardous manner, or in violation of any provision of this chapter or any other town ordinance, or in violation of any provision of any regulatory code herein adopted, or in violation of the terms of the permit or permits issued therefor, or in such a manner as to endanger life or property, the appropriate inspector may order the work to be immediately stopped. The order shall be in writing to the owner of the property or to his or her agent, or to the person doing the work, and shall state the reasons therefor and the conditions under which the work may be resumed. Such orders shall be subject to the provisions of G.S. §§ 160A-420 and 160A-421.

§§ 51.22 - 51.29 RESERVED.

ENFORCEMENT

§ 51.30 PERMITS REQUIRED; BUILDING PERMIT.

No person shall commence or proceed with: the construction, reconstruction, alteration, repair, movement to another site, removal or demolition of any building or other structure, or any part thereof; the installation, extension or general repair of any plumbing system; the installation, extension, alteration or general repair of any heating or cooling equipment system; or the installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment without first securing from the Inspection Division each permit required by the North Carolina State Building Codes and other state or local law or local ordinance or regulation applicable to the work, such that the standards of state law are adhered to.

§ 51.31 APPLICATION FOR PERMIT.

(A) Written application shall be made for all permits required by this chapter, and shall be made on forms provided by the Inspection Division.

(B) The application shall be made by the owner of the building or structure affected or by his or her authorized agent or representative, and, in addition to other information as may be required by the appropriate inspector to enable him or her to determine whether the permit applied for should be issued, shall show the following:

- (1) Name, residence and business address of owner;
- (2) Name, residence and business of authorized representative or agent, if any; and
- (3) Name and address of the contractor, if any, together with evidence that he or she has obtained a certificate from the appropriate state licensing board for such contractors, if a certificate is required for the work involved in the permit for which application is made.

§ 51.32 PLANS AND SPECIFICATIONS.

Where plans and specifications are required, an approved copy of the same shall be kept at the work site until all construction has been completed and approved by the appropriate inspector.

§ 51.33 LIMITATIONS ON ISSUANCE OF PERMITS.

(A) No building permit shall be issued for any building or structure, the estimated total cost of which is more than \$30,000, unless the work is to be performed by a licensed general contractor.

(B) No building permit shall be issued for any building or structure, other than a one- or two-family dwelling, the estimated total cost of which is more than \$90,000, unless the plans bear the state seal of a registered design professional.

(C) Where any provisions of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless it is to be performed by the licensed specialty contractor.

(D) Where detailed plans and specifications are required by this chapter, no building permit shall be issued unless the plans and specifications have been provided.

§ 51.34 ISSUANCE OF PERMIT.

When proper application for a permit has been made, and the appropriate inspector is satisfied that the application and the proposed work comply with the provisions of this chapter and the appropriate regulatory codes, he or she shall issue the permit, upon payment of the proper fee or fees as hereafter provided.

§ 51.35 REVOCATION OF PERMITS.

The appropriate inspector may revoke and require the return of any permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any material departure from the approved application, plans or specifications; for refusal or failure to comply with proper orders of the inspector; for refusal or failure to comply with requirements of this chapter and the appropriate regulatory codes; or for false statements or misrepresentations made in securing the permit.

§ 51.36 TIME LIMITATIONS ON VALIDITY OF PERMITS.

All permits issued under this chapter shall expire six months after the date of issuance if the work authorized by the permit has not been commenced. If after commencement, the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit has been secured, pursuant to G.S. § 160A-418.

§ 51.37 CHANGES IN WORK.

After a permit has been issued, changes or deviations from the terms of the application and permit, or changes or deviations from the plans or specifications involving any work under the jurisdiction of this chapter or of any regulatory code adopted herein, shall not be made until specific written approval of the changes or deviations has been obtained from the appropriate inspector.

§ 51.38 PERMIT FEES, INSPECTION FEES.

Fees for permits shall be based on the total estimated cost of the proposed work, including all subcontracts if any. Permit fees shall be as established by the Town Council and filed in the office of the Building Inspector.

§ 51.39 TOWN HELD HARMLESS.

The applicant seeking a permit required by this and other chapters under the jurisdiction of the Inspections Section shall hold the town harmless from claims of bodily injury and/or property damage of all persons arising out of the use or occupancy of the premises as specified on the permit by the applicant, his or her agents, employees or invitees.

§§ 51.40—51.99 RESERVED.

MINIMUM HOUSING STANDARDS

[Reserved]

REPAIR, CLOSING OR DEMOLITION OF ABANDONED STRUCTURES

[Reserved]

MOVERS OF BUILDINGS AND STRUCTURES

[Reserved]

This the ____ day of _____, _____

Town of Sunset Beach

Ron Watts
BY: Mayor

ATTEST:

Lisa H. Anglin
Town Clerk