

Article 9C.

North Carolina Code Officials Qualification Board.

§ 143-151.8. Definitions.

- (a) The following definitions apply in this Article:
- (1) Board. – The North Carolina Code Officials Qualification Board.
 - (2) Code. – Consists of all of the following:
 - a. The North Carolina State Building Code adopted by the Building Code Council under G.S. 143-138.
 - b. Local building rules approved by the Building Code Council.
 - c. Any resolution adopted by a federally recognized Indian Tribe in which the Tribe adopts the North Carolina State Building Code and related local building rules.
 - d. The standards adopted by the State Fire Marshal under G.S. 143-143.15(a).
 - (3) Code enforcement. – The examination and approval of plans and specifications, the inspection of the manner of construction, workmanship, and materials for construction of buildings and structures and their components, or the enforcement of fire code regulations by any of the following, to assure compliance with the State Building Code and related local building rules:
 - a. An employee of the State or local government, except an employee of the State Department of Labor engaged in the administration and enforcement of sections of the Code that pertain to boilers and elevators.
 - b. An employee of a federally recognized Indian Tribe employed to perform inspections on tribal lands.
 - c. An individual contracting with the State, a local government, or a federally recognized Indian Tribe to perform inspections on tribal lands.
 - d. An individual who is employed by a company contracting with a county or a city to conduct inspections.
 - 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 third-party plan review under G.S. 160D-1110.1(e).
 - (4) Local inspection department. – The agency or agencies of local government, or any government agency of a federally recognized Indian Tribe, with authority to make inspections of buildings and to enforce the Code and other laws, ordinances, and rules enacted by the State, a local government, or a federally recognized Indian Tribe.
 - (5) Qualified Code-enforcement official. – A person qualified under this Article to engage in the practice of Code enforcement.
- (b) For purposes of this Article, the population of a city or county is determined according to the most current federal census, unless otherwise specified.
- (c) For purposes of this Article, "willful misconduct, gross negligence, or gross incompetence" in addition to the meaning of those terms under other provisions of the General Statutes or at common law, includes any of the following:
- (1) Enforcing a Code requirement in areas or circumstances not specified in the requirement.

- (2) Refusing to accept an alternative design or construction method that has been appealed under G.S. 143-140.1 and found by the Office of the State Fire 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 Building Code under the conditions or circumstances set forth in the Code for that alternative method.
- (4) Enforcing a requirement that is more stringent than or otherwise exceeds the Code requirement.
- (5) Refusing to implement or adhere to an interpretation of the Building Code issued by the Building Code Council or the Office of the State Fire Marshal.
- (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 ventilation and air-conditioning units, appliances, or equipment if it is not required by the State Building Code and is in contradiction of a manufacturer's installation instructions or specifications. (1977, c. 531, s. 1; 1987, c. 827, ss. 224, 225; 1989, c. 681, s. 15; 1993, c. 232, s. 4.1; 1999-78, s. 2; 1999-372, s. 5; 2001-421, s. 2.4; 2015-145, s. 3(a); 2018-29, s. 9; 2022-62, s. 30; 2023-142, s. 2(b); 2023-151, s. 11.78.)