

Mecklenburg County

Building-Development Ordinance



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County Commissioners (2019 - 2020)

At-Large

Trevor M. Fuller, At Large
Pat Cotham, At Large
Ella B. Scarborough, At Large

District 1

Elaine Powell, Vice-Chair

District 2

Vilma Leake

District 3

George Dunlap, Chairman

District 4

Mark Jerrell

District 5

Susan Harden

District 6

Susan Rodriguez-McDowell

County Manager

Dena Diorio

County Attorney

Marvin A. Bethune

Foreword

Enforcement of the North Carolina State Building Code for regulation of construction is based on a well-established State-local government partnership. The Building Code Council, which is composed of seventeen members appointed by the Governor, is empowered by the Legislature to prepare and adopt the Code. The Commissioner of Insurance, through the Engineering Division of the North Carolina Department of Insurance, has general supervision responsibilities for enforcement of the Code. Local governments have responsibility for enforcement of the Code within their jurisdiction. All regulations contained in the Code are for the purpose of protecting the public's health, safety, and welfare.

The development of statewide codes has provided uniformity in building regulations. The Mecklenburg County Board of Commissioners (Board) has enforced the electrical standards of the building codes since 1947 and the building, mechanical and plumbing codes since 1968. In accordance with the North Carolina General Statute 153A-350 and subsequent sections, this Ordinance specifies the duties and responsibilities of the Mecklenburg County Code Enforcement Department (Department).

Further, this Ordinance establishes a Mecklenburg County Building-Development Commission (BDC) which shall:

- Be accountable to the Board to fulfill its directive and mission
- Assist the Department with its enforcement of the codes and ordinances as required by law; and
- Provide guidance to the Department in accordance with this Ordinance

The BDC is empowered to create subcommittees and task forces as necessary to fulfill its directive and mission.

The Board based on recommendations from industry groups appoints the BDC members.

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100 Enactment

The Mecklenburg County Board of Commissioners (Board) does ordain and enact into law the rules and regulations contained in the following Sections.

101 Title

These rules and regulations shall be known as the Mecklenburg County Building-Development Ordinance, may be cited as such, and will be herein referred to as this Ordinance.

102 Purpose

The purpose of this Ordinance is to:

- A. Protect the public health, safety and welfare by providing minimum standards for buildings and structures and regulating their use and occupancy.
- B. Organize a commission to be known as the Mecklenburg County Building-Development Commission and herein referred to as (BDC).
- C. Organize a department to protect public health, safety and welfare in accordance with the North Carolina State Building Code, herein referred to as the Code, general statutes and local ordinances. The department shall be known as the Mecklenburg County Code Enforcement Department, and herein referred to as the Department.

103 Scope

- A. The BDC shall maintain advisory communications between the Board, County Manager, the Department and the public.
- B. The Department shall enforce the Code in accordance with the General Statutes and those county and municipality ordinances applicable to the Department.
- C. The provisions of this Ordinance shall apply to work on all structures required to be permitted by the North Carolina General Statutes.

104 Jurisdiction

The provisions of this Ordinance shall govern work on all structures required to be permitted by the Code within the unincorporated areas of Mecklenburg County, and within the corporate limits of any municipality in Mecklenburg County upon the request of the governing body of the municipality and with the approval of the Board. G.S.160A-411.

105 Codes and References

- A. North Carolina State Building Code, all Volumes and amendments thereof, adopted by the North Carolina Building Code Council herein referred to as the Code.
- B. North Carolina General Statutes pertaining to enforcement of the North Carolina State Building Code, herein referred to as General Statutes

Definitions

For the purpose of this Ordinance the following definitions shall apply. Where terms are not defined in this section they shall have their ordinarily accepted meanings as the context may imply.

Abandoned Projects - Any project with a project construction document set submitted for plan review as part of the permit application, having completed one or more review cycles and having received notice from the County that a plan review cycle is complete or a project is ready for permit issuance, where within one hundred (120) calendar days after notification of all plan review discipline results, the owner has failed to submit for a subsequent plan review cycle or failed to obtain a permit.

Exception: Projects including any Federal Department or Federal Agency review will be granted one hundred eighty (180) calendar days (instead of only one hundred twenty (120) calendar days) to obtain a permit after successful completion of the entire plan review cycle. Abandoned Project criteria on all previous plan review cycles for these projects will be as described in “Abandoned Projects” above.

Administrator - The Director of the Mecklenburg County Code Enforcement Department, or his designee.

Architect – A person who has been duly registered and licensed as an architect in accordance with Chapter 83A of the General Statutes.

Code Enforcement Official (CEO) - A person authorized to interpret and enforce the North Carolina State Building Code.

Commercial Project - all construction projects, falling under the jurisdiction of the North Carolina Building, Electrical, Mechanical, Plumbing, Fuel Gas, Fire Prevention, Energy Conservation and Rehab Codes, but excluding all work on one and two family dwellings.

BDC - Mecklenburg County Building-Development Commission

Board - Mecklenburg County Board of Commissioners

Building - any structure (for which a permit is required in accordance with the Code) that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by the firewall shall be considered as a separate building. GS 153A-357 (a) and 160A-417

Code - North Carolina State Building Code, all Volumes and amendments thereof, adopted by the Council.

Council - North Carolina State Building Code Council

Department – The Mecklenburg County Code Enforcement Department

Electrical Contractor - A person, firm or corporation who holds a current license issued by the State Board of Electrical Examiners, in accordance with the provisions of Article 4 of Chapter 87 of the General Statutes.

Engineer - A person who has been duly registered and licensed as an Engineer in accordance with Chapter 89C of the General Statutes.

Fee Ordinance - The Mecklenburg County Land Use and Environmental Services Fee Ordinance

General Contractor - A person, firm or corporation who holds a current license issued by the State Board of Examiners of General Contractors, in accordance with the provisions of Article 1 of Chapter 87 of the General Statutes.

Green Permit Rebate Program - An incentive program supporting local government policy on sustainable development to improve the quality of life in Mecklenburg County. Limited to certain types or qualities of projects, in return, the projects are given partial permit fee rebate at project completion and certification.

The BDC has noted the voice of concern from the public regarding the manner in which development occurs in the next 25 years. Responsible development should be rewarded. The Charlotte-Mecklenburg Planning Commission, the City of Charlotte and the surrounding Towns throughout Mecklenburg County have participated in extensive planning efforts to address Smart Growth in their respective communities. Developers recognizing their contribution to the environmental status of the community and responding with Sustainable Development (design and implementation) should be encouraged. Through this program, the BDC strives to proactively encourage Smart Growth development through permit fee incentives using regulations and the existing permitting and inspection (P&I) process to verify compliance. **(Temporarily Suspended)**

High Inspection Failure Rate Contractor - Any contractor who maintains an average inspection failure rate of 40% or greater (the threshold), during any quarterly period, as calculated by the Department's inspection failure rate data system. Provided however, during the first 6 months after the program start date as determined by the administrator, the high inspection failure rate threshold will be 50%. Under section 108.10 F of this ordinance, either of the foregoing is referred to as the "applicable high inspection failure rate".

High Inspection Failure Rate Process - The process for scheduling and charging for inspections and re-inspections for High Inspection Failure Rate Contractors as provided in section 108.10 F of this ordinance.

Homeowner - The owner of a single-family detached dwelling, utilizing the same as their primary residence, for a minimum duration of twelve months after completion of any work, where the homeowner acts in the place of a NC licensed contractor in the permitting and inspection process.

Inspection Count - For specific designated projects, a number of inspections included in the base permit fee; based on criteria published by the Department.

Landscape Architect – A person who has been duly registered and licensed as a Landscape Architect in accordance with Chapter 89A of the General Statutes.

Mega Project - A Mega project includes *any one of the following*:

- Any high-rise project (bldg with height at or above 75 ft above fire dept access, as defined by the building code)
- An assembly project larger than 100,000 sq ft
- Any mixed-use project with a gross sq ft area of 200,000 sq ft.
- Any commercial or industrial project with a gross sq ft area of 300,000 sq ft.
- Any institutional project with two smoke compartments or a gross sq ft area of 50,000 sq ft.
- Other projects of a similar size or complexity, requiring staff resources comparable to the above, as determined by the Director or his designee

Ordinance - Mecklenburg County Building-Development Ordinance

Owner - Any person, agent, firm, or corporation having a legal or equitable interest in the property.

Point of Contact - For the contractor, will be one individual serving as the principal or officer in charge of construction or their designee. This should include the person most familiar with day-to-day construction activities and the impact of inspection failure rates on the same.

Project Commenced - A project may be considered commenced by either: having an inspection of a completed portion of the work integral to the permitted project scope of work, or by submitting evidence to the Department that a portion of the work integral to the permitted project scope of work has started.

Project Discontinued - A project will be considered discontinued and the permit will be revoked if, in any 12- month period, no inspection has been requested on a portion of work integral to the permitted project scope that was completed during that 12-month period.

Residential Project - Any construction project falling under the jurisdiction of the North Carolina Building Electrical, Mechanical, Plumbing, Fuel Gas, Fire Prevention, Energy Conservation and Rehab Codes, but excluding all work on one and two family dwellings.

State Mechanical License - H1, H2, H3 and refrigeration licenses issued by the State Board of Refrigeration Examiners.

Structure - that which is built or constructed in accordance with the Code and for which a permit is required

Upfit – the first time interior completion of a virgin (never occupied) shell space in a newly constructed building. The applicant must provide a copy of the approved shell

drawings for the entire building.

Written Notice - written notice shall be considered to have been given if delivered in person to the individual or parties intended or if sent by registered mail to the individual or parties intended at the last address known to the party giving notice.

107

Charlotte-Mecklenburg Building-Development Commission

The BDC shall be appointed by, and report directly to, the Board. The BDC shall consist of thirteen (13) members.

107.1.1

Membership

A. The BDC shall be composed of persons who are qualified, by experience and training, to consider and determine matters pertaining to building construction and who are residents of Mecklenburg County. The BDC shall consist of one representative recommended by each of the following organizations and appointed by the Board:

- American Institute of Architects – Charlotte
- Charlotte Apartment Association
- Charlotte Chamber of Commerce; two (2) persons
 - One person representing the development industry.
 - One person representing small business, from a business with 24 employees or less.
- Charlotte Chapter of American Society of Landscape Architects
- Charlotte Plumbing, Heating, Cooling Contractors Association; two (2) persons.
 - One person from a business primarily involved in Plumbing trade work.
 - One Person from a business primarily involved in the Mechanical/HVAC work.
- Home Builders Association of Charlotte
- Master Electrical Contractors Association of North Carolina, Inc. or Charlotte Area Association of Electrical Contractors
- Associated Builder and Contractors (ABC) Carolina Chapter; represented by a person employed by a firm with a NC General Contractor’s license and primarily involved in general construction.
- National Association of the Remodeling Industry (NARI) of Greater Charlotte
- Professional Engineers of North Carolina - South Piedmont Chapter
- Two Public Representatives

Representation of the above organizations on the BDC is not limited or restricted to membership in the organizations. All applications from those interested in serving on the BDC shall be provided to the Board for its consideration.

B. Board policy requires that commission members attend at least 65% of regularly scheduled committee meetings from the time one’s term begins, until the end of that calendar year and each subsequent year thereafter to remain a member. There are no excused absences, nor can members miss three consecutive regularly scheduled committee meetings. Members must be present for 50% of the meeting time in order to be counted present.

107.1.2

Terms of Office

Regular terms of office shall be three (3) years. Initially, three members shall be appointed for one (1) year, three members for two (2) years and three members for three (3) years. Members are eligible to serve two (2) regular three-year terms consecutively.

107.1.3 Officers

The chairperson is hereby appointed by the Board and shall be the Charlotte Chamber of Commerce representative.

The BDC shall elect a Vice-Chairperson and a Secretary from its membership to serve terms of one (1) year. Elections shall be held at the first meeting of the calendar year.

In the event that an officer of the Commission resigns or rotates off of the Commission, an election shall be held at the next regular meeting of the Commission after a new appointment has been made by the Board. The elected individual shall serve until the next scheduled election.

107.1.4 Rules and Procedures

- A. Eight (8) members of the BDC shall constitute a quorum. A simple majority vote of all members present and voting shall be required for every action unless otherwise stated herein. Every action shall be by resolution with certified copies of the resolution sent to interested parties.
- B. The BDC shall establish all rules and regulations required for its own operation and procedures which are not inconsistent with provisions of this Ordinance and the North Carolina Open Meetings Law and Board policies.
- C. The BDC may establish subcommittees and/or task forces as required to perform its duties.
- D. The BDC shall meet every month if there is business to come before it. The Chairperson shall make this determination. Meetings of the BDC may be called by the Chairperson or at the request of the Board.
- E. All meetings of the BDC shall be open to the public. The BDC shall keep minutes of its meetings, official actions and proceedings showing the vote of each member upon every question.
- F. Public Appearance Procedure - Sign up prior to start of meeting indicating speaking to a specific agenda item or other business (provide short description). Time limit will be three (3) minutes per speaker or a maximum of ten (10) minutes total for multiple speakers on the same matter.
- G. Request to Include Item on Agenda – Provide detailed information to the Code Enforcement Department six (6) working days prior to scheduled meeting. Information to include list of speakers. Time limit will be three (3) minutes per speaker or a maximum of ten (10) minutes total for multiple speakers on the same matter.

107.1.5 Authority and Responsibilities

- A. The BDC shall review, advise, and make recommendations to the Board and the Department regarding:
 - 1. The development of new or amended ordinances, codes, standards, and regulations that pertain to the land development/building industry in Mecklenburg County.

2. The annual budget of County departments with land development/building regulatory functions, the cost to the County of the departments and the disposition of any surplus funds derived from collected fees.
 3. Programmatic and financial reviews as deemed necessary.
 4. The methodology for establishing and the level of all fees charged the land development/building industry including, but not limited to, all fees for construction permits required by the General Statutes.
 5. Land development/building regulatory programs, processes, plans, and procedures for efficiency and effectiveness, in order to reduce redundancy and enhance coordination.
 6. Annual assessment of performance by the County and the Department in meeting the requirements of this Ordinance and the needs of the public.
 7. Public opinion on new, amended or proposed City/County government changes of authority, organization and function as may affect the Department.
 8. Procedures and management methods of the Department to maintain a high degree of professionalism and efficiency and to assist in the development of guidelines for the Department's relationship with related departments.
 9. The employment of outside consultants to analyze the Department's functions and efficiency, and prepare a proposal for corrective action when deemed necessary.
 10. The development of qualifications and job descriptions for the Administrator and Director of Code Enforcement. The BDC shall participate in the interview process for these personnel and make recommendations to the selection authority responsible for their hiring.
- B. The BDC shall assist, advise, and make recommendations to the Department regarding:
1. As requested by the Administrator, the development of qualifications and job descriptions for other departmental personnel participate in the interviews of those personnel and make recommendations to the Administrator concerning their hiring.
 2. The continual development of professionalism, integrity, performance and public awareness within the Department.
 3. The delineation of procedures, assignment of responsibilities and performance objectives.

4. The publication and distribution to the public of an advisory dealing with proposed changes, and changes to the General Statutes, the Code, ordinances and governmental procedures as they pertain to land development and building regulatory programs in Mecklenburg County.
5. Methodologies to keep the public informed of recommended and implemented changes in land development/building regulatory programs and fees, and provide an avenue for public input. Provide a process for feedback from the public concerning the Department and provide suggested solutions.
6. The continuous review of programs that pertain to the land development/building industry and creation of new systems, methodology, and procedures to efficiently serve the public.
7. Development and implementation of a process for timely and impartial appeals concerning interpretations of this Ordinance, department policies and procedures for resolving conflicts of interpretation in the Building Code.

107.2 Technical Advisory Board

The growth of sustainable design projects is increasing significantly. The pace of that growth also involves the speed with which green technology is developing and advancing. The Department is concerned that the rate of growth of these projects and the related changes in construction technology will outrun our current expertise, geared towards focusing on the building code minimum requirements. Consequently, the Department proposes initiating a Technical Advisory Board, as a strong resource to the Dept on sustainable design issues, as well as other challenging or grey code application problems. The Technical Advisory Board would be a formal arm of the Building Development Commission.

The Technical Advisory Board shall be appointed by and serve as a component of the BDC. The Technical Advisory Board shall provide technical depth to the Department in evaluating the application and impact of building codes and their enforcement to sustainable design or other new technology. The Technical Advisory Board shall also provide technical depth to the Department in evaluating complex mechanical-electrical-plumbing (MEP) Code compliance issues.

107.2.1 Membership

The Technical Advisory Board shall be composed of members who are qualified by experience and technical training in sustainable design or “green” construction. The BDC shall appoint a Technical Advisory Board consisting of ten (10) members, with representation as follows:

- Four Engineer representatives (2-elec, 2-mech/plbg) recommended by one or more of the following: Professional Engineers of North Carolina (PENC), ASHRAE and the Illuminating Engineering Society (IES).
- Two Architect representatives recommended by the American Institute of Architects
- Two general contractor representatives recommended by either the

Associated General Contractors or Mecklenburg General Contractors Association.

- One US Green Building Council representative
- One NC University system representative

Since the involved disciplines may vary greatly among meetings, the Technical Advisory Board shall have no meeting attendance requirements applied to its members. However, the BDC shall have the authority to remove any member whose attendance does not provide the necessary assistance to the Technical Advisory Board.

107.2.2 Terms of Office

Technical Advisory Board members shall serve a three (3) year term of office. Members are eligible to serve three (3) regular three-year terms consecutively.

107.2.3 Officers

One of the Department's Trade Code Administrators shall chair technical Advisory Board meetings. The Technical Advisory Board shall elect a Vice-Chairperson from its membership to serve a one-year term.

107.2.4 Rules and Procedures

- A. A minimum of three (3) Technical Advisory Board members shall constitute a quorum.
- B. The Technical Advisory Board shall establish meeting rules which are consistent with the North Carolina Open Meetings Law and Board policies.
- C. The Technical Advisory Board will follow a standard agenda, reviewing old business followed by new business, and posting meeting results.
- D. The Technical Advisory Board shall meet on a monthly basis, or as dictated by the number of sustainable design or MEP problems or issues posed to the Department or referred by the Building-Development Commission.
- E. The Technical Advisory Board shall meet no less often than quarterly to review any outstanding or new issues.
- F. All Technical Advisory Board meetings will be open to the public.
- G. Any person or organization may propose topics for discussion by the Technical Advisory Board by submitting documentation to one of the Trade Code Administrators a minimum of 48 hours or two workdays in advance of a meeting, whichever is greater.
- H. Topic or issue proponents shall briefly summarize in writing the problem related Code sections (if any) proposed Code interpretation, and a summary or argument of the rationale behind the proposal. This applies to issue proponents both from inside and outside the Department.
- I. The merits of a proposal may be discussed by any member present at the meeting except by those with a conflict of interest. Arguments for or against a proposal will be summarized in writing, in bullet form by the meeting chair for concurrence with the summary by all members present except those with a conflict of interest.
- J. Regarding conflict of interest by Technical Advisory Board members:
 1. At the beginning of each Technical Advisory Board meeting, members shall indicate if they have a conflict of interest with any project or agenda item discussed which includes when a Technical Advisory Board recommendation on an agenda item would benefit the member. If they have a conflict of interest, that member shall not participate in those portions of the meeting dealing with topics as to which they have a conflict of interest.

2. Any project submitted to the Technical Advisory Board, which involves a member, or which would benefit a member, shall be submitted to the NC Department of Insurance Evaluation Services Section for its evaluation and recommendation even though the member did not participate in the discussion or in making a recommendation.
- K. In the case of sustainable design, complex mechanical/electrical/plumbing proposals or other new technology code compliance issues, the relevant Trade Code Administrator shall give strong consideration to Technical Advisory Board recommendations in proposing final Department interpretations to the Administrator, but the Technical Advisory Board recommendations shall not be binding on Code Enforcement decisions made by the Department or Administrator.
- L. The Technical Advisory Board shall report to the BDC at a minimum at the end of each calendar quarter.
- M. The Technical Advisory Board shall post meeting results, including a summary of discussions, including both pro and con comments, either on www.meckpermit.com or on a site dedicated to the use of the Technical Advisory Board.

107.2.5. Authority and Responsibility

- A. The Technical Advisory Board shall be a formal component of the Building-Development Commission.
- B. The Technical Advisory Board shall provide technical advice to the Department and Administrator in evaluating the application and impact of Codes and their enforcement to sustainable design or other new technology.
- C. The Technical Advisory Board shall provide technical advice to the Department and Administrator in evaluating complex mechanical-electrical-plumbing (MEP) Code compliance issues.
- D. The Technical Advisory Board shall focus primarily on resolving conflicts between sustainable design or new construction technology, and Code requirements written prior to that construction technology development.
- E. The Technical Advisory Board shall develop suggested guidance for Code officials regarding the implications of the Code with respect to new sustainable design technologies.
- F. The Technical Advisory Board shall serve as a sounding board for the Administrator or Trade Code Administrators, when faced with new enforcement issues that may require an understanding of how customers may receive enforcement of a new initiative or issue.
- G. The Technical Advisory Board's recommendations do not overrule the Administrator's interpretation decisions.

107.2.6. Additional BDC Authority

The BDC shall have the authority to make other rules with regard to the activities of the Technical Advisory Board not inconsistent with this Ordinance.

108 Mecklenburg County Code Enforcement Department

108.1 Organization

Organizational relationships are to be reviewed at regular intervals by the Administrator and the BDC and, if necessary, changes made to maintain effective teamwork and operational efficiency. The lines of authority and responsibility shall be

clear, non-overlapping, and made known to all employees and to the public.

108.2 Duties and Responsibilities

The Administrator shall have the duty and responsibility to direct the operation of the Department in accordance with this Ordinance, the Code, and all applicable General Statutes.

108.3 Records and Reports

The Department shall keep complete and accurate records of each application received, each permit issued, each inspection and re-inspection made, each defect found, each Certificate of Compliance granted, and all other work and activities of the Department. These records shall be kept in the manner and for the periods prescribed by the North Carolina Department of Cultural Resources. The Department shall submit periodic reports to the Board and to the Commissioner of Insurance as the Board or the Commissioner may require. G.S. 153A-373, 160A-433.

108.4 Qualifications of Personnel

The Department shall be staffed with competent personnel. The minimum qualifications, duties, and responsibilities for each employee shall be in accordance with the appropriate standards of the Mecklenburg County Employee Classification System as adopted by the Board, and the applicable certification requirements established by the North Carolina Code Officials Qualification Board.

108.5 Oath

All Code Enforcement Officials (CEOs) shall take and subscribe an oath for the faithful discharge of their respective duties, which together with the certificate of their appointment, shall be filed with the Clerk to the Board.

108.6 Conflicts of Interest

All full time, part time and contract Code Enforcement Officials and Department Staff shall comply with Conflict of Interest limitations as outlined in G.S. 153A-355 and G.S. 160A-415.

108.7 Bonds

Before any person, firm, or corporation shall engage in the business of building construction, installation, maintenance, alteration, or repair for which a permit is now, or may hereafter be required by this Ordinance, such person, firm, or corporation shall give bond as follows:

The applicant shall file with the Department a continuous surety bond as set forth by the Construction Permits and Fee Ordinance in an amount sufficient to guarantee the payment of all fees and other charges required by this Ordinance. The bond may be canceled by the surety only upon thirty (30) day's notice in writing to the Department of its intention to cancel. The Administrator may issue a permit without bond to the owner of a residence.

108.8 Permits

A. No person, firm or corporation shall commence or proceed with the construction, reconstruction, alteration, repair, removal, or demolition of any building, structure, or service system requiring a permit by the Code without first securing a building permit from the Department. G.S. 153A-357.

B. All work under the scope and jurisdiction of this Ordinance shall require such

a building permit in accordance with the Code and local ordinances.

- C. Nothing in this Ordinance shall be construed to prevent a person who owns and occupies a single-family residence, or who intends to construct a single-family residence for his own occupancy, from securing a permit to personally install, alter or repair systems covered by this Ordinance. Such person shall obtain a permit, have the work inspected, and pay the fees, all in accordance with this Ordinance.
- D. Application for a building permit shall be in writing or electronically typed on a form furnished for that purpose which contains a provision that the work done shall comply with the Code and all other applicable State and local laws and local ordinances and regulations.
- E. No permit may be issued unless the name and address of the author identify the plans and specifications thereof. If the General Statutes require that plans for certain types of work be prepared only by a Registered Architect, Registered Engineer, or Registered Landscape Architect, no permit may be issued unless the plans and specifications bear the North Carolina seal of a Registered Architect, Registered Engineer, or Registered Landscape Architect.
- F. The Administrator shall not issue a building permit when:
 - 1. The proposed work will not meet the requirements of the Code or this Ordinance.
 - 2. The applicant has become delinquent in the payment of fees previously billed to him as due and payable.
- G. If a provision of the General Statutes, this Ordinance, or some other regulation requires that work be done by a licensed specialty contractor of any kind, no permit for the work may be issued unless the work is to be performed by such a duly licensed contractor.
- H. Violation of this section constitutes a misdemeanor, G.S. 153A-357, 160A-417.

108.8.1 **Time Limitations on Validity of Permits** - A permit issued pursuant to Section 108.8 expires six (6) months after the date of issuance if the work authorized by the permit has not commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit is void. No work authorized by a permit that has expired may thereafter be performed until a new permit has been secured. G.S. 153A-358, 160A-417.

108.8.2 **Changes in Work** - After a permit has been issued, no change or deviation from the terms of the application, the plans and specifications, or the permit, (except if the change or deviation is clearly permissible under the Code), may be made until specific written approval of the proposed change or deviation has been obtained from the Department. If the CEO performing inspections determines that the change or deviation is substantial, the CEO may require that revised plans and specifications shall be submitted for examination in the same manner as other applications for permit approval. G.S. 153A-359, 160A-419

108.9 Permit Fees

Permit fees for work covered by this Ordinance shall be in accordance with the Construction Permit and Fee Ordinance adopted by the Board. If there is a substantial change or deviation from the terms of the permit application, the plans and specifications, or the permit, the CEO may require that additional fees be paid for work not previously covered.) Please see LUESA Fee Ordinance for tables and calculations).

108.10 Inspections

- A. The Department shall inspect all buildings and structures and work therein, for which a permit has been issued to determine compliance with the Code and this Ordinance.
- B. Materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by nationally approved and State recognized inspection organizations when deemed necessary.
- C. The request for inspection as required by the Code and this Ordinance shall be made by the firm or individual responsible (or their designee) for the construction, equipment installation, or equipment replacement.
- D. All buildings and structures shall be built and installed in accordance with the provisions of the Code and shall be inspected by the CEO and no part of the building system shall be covered until same has been inspected and approved as herein prescribed.
- E. Final inspection is required upon completion of the work. Failure to obtain a final inspection in twelve (12) months after the most recent inspection shall void the permit.
- F. “High Inspection Failure Rate” Process for a High Inspection Failure Rate Contractor will be as follows:
 - F.1: The contractor’s inspection requests will automatically be delayed for two (2) days. After two (2) days, the “High Inspection Failure Rate Contractor” assumes a position of parity with the other contractors, with respect to inspection requests:
 - F.2: In addition, the contractor must select from the following options on assuring the work is code compliant, advising the Department electronically at the time of the inspection request:
 - F.2.1: For the initial inspection: there will be no consequence if the inspection passes. If however, the inspection fails, the contractor will be charged for the re-inspection on an hourly basis, or as otherwise indicated in the Fee Ordinance under “High Inspection Failure Rate Charges”

F.2.1.1: in the latter event, this re-inspection will be removed from the re-inspection fee charge calculation described in the Fee Ordinance, but will remain in the individual contractor's failure rate calculation.

F.2.2: In addition, in the event the initial inspection fails, on the re-inspection, the contractor must select from the following options:

F.2.2.1: Retain and pay directly for a 3rd party inspection prior to the Department's re-inspection. The 3rd party inspection must be performed by a Department approved NC licensed professional or other Department approved entity, with the results verifying the job is ready, posted on the site at the inspector's arrival. There will be no added inspection delay and no charge under this program (however, calculation in overall project re-inspection fee charges will remain in this case), or in this event, this re-inspection will be removed from the re-inspection fee charge calculation described in the Fee Ordinance but will remain in the individual contractor's failure rate calculation.

F.2.2.2: Pay for the Department's re-inspection by the hour or as otherwise indicated in the Fee Ordinance under "High Inspection Failure Rate Charges" charged in addition to all other permit fees, and scheduled a minimum of five (5) work days in advance and subject to inspector availability

F.2.3: Contractors will be eligible to rotate off the "High Inspection Failure Rate Contractors" list by one of two methods:

F.2.3.1: Either successfully complete at least twelve (12) contact hours of NC Building Code technical training in the particular discipline in which the inspection failure rate exceeds the applicable high inspection failure rate. Accepted classes will be those offered through the NC Code Official Certification Program (upon presentation of documentation on passing the class, contractor is removed from the "high inspection failure rate track"), or

F.2.3.2: Maintain an inspection failure rate of less than the applicable high inspection failure rate, on average, for a three (3) month (full quarter) period.

F.2.4: Twelve (12) months after the program start, contractors who rotate off the "High Inspection Failure Rate Contractors" list, but thereafter, in the next five (5) years, have a quarterly failure rate exceeding the applicable high inspection failure rate, will be subject to the previously described "High Inspection Failure Rate" Process, plus both of the following:

F.2.4.1: Successfully complete at least twelve (12) contact hours of NC Building Code technical training in the particular discipline in which the inspection failure rate exceeds the applicable high inspection failure rate. Accepted classes will be those offered through the NC Code Official Certification Program.

F.2.4.2: Maintain an inspection failure rate of less than the applicable high inspection failure rate, on average, for a three (3) month (full quarter) period.

F.3: For contractors with nineteen (19) or fewer inspections in any quarter, the “High Inspection Failure Rate” Process will be replaced by a special permit fee indicated in the Fee Ordinance.

F.4: For mechanical, electrical and plumbing (ME P) discipline contractors with permits issued under the master permit system, all “High Inspection Failure Rate Charges” will be charged to the related MEP contractor’s account, with an accounting summary provided to the general contractor where these fees affect the project re-inspection fee calculations.

108.10.1 **Calls for Inspection** - Requests for inspections may be made electronically or by telephone to the Department. No work shall be inspected until it is in proper and completed condition ready for inspection. All work, which has been concealed, before inspection and approval, shall be uncovered at the request of the CEO and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the CEO in the form of a notice posted on the building or structure. Proceeding without approval of each stage of construction constitutes a misdemeanor.

108.10.2 **Inspections of Work in Progress** - As the work pursuant to permit progresses, the CEO shall make as many inspections of the work as may be necessary to determine that it is being done according to the provisions of the applicable State and local laws, local ordinances and regulations, and the terms of the permit. In exercising this power, each CEO has a right, upon presentation of proper credentials, to enter any premises within the territorial jurisdiction of this Ordinance at any reasonable hour for the purpose of inspection or other enforcement action. G.S. 153A-360 160A-420.

108.10.3 **Periodic Inspections for Hazardous or Unlawful Conditions** - The Department may make periodic inspections for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in buildings or structures within the territorial jurisdiction of the Department. In addition, the Department may make any necessary inspections when it has reason to believe that such conditions may exist in a particular building or structure. In exercising these powers, each CEO has a right, upon presentation of proper credentials, to enter any premises, at any reasonable hour, for the purpose of inspection or other enforcement action. G.S. 153A-364 160A-424.

108.10.4 **Projects With Specific Inspection Count Allocations**

108.10.4.1 **Multi-Trade Inspections** - Residential projects designated for multi-trade inspection by the Department will have the specified trades bundled into a single inspection request, or the Department may hold the requests in queue until all are ready before performing the inspection. The permit holder will have the option to request an early single discipline inspection at an added charge, as specified in the LUESA Fee Ordinance.

108.10.4.2 **Designated Project Inspection Allocations** – For specific designated projects the Department may designate project inspection count limits (maximum number of

inspections) at permit issuance. When the permit holder exceeds the inspection count limit required/requested inspections will be performed on an added charge basis, as specified in the LUESA Fee Ordinance.

108.10.4.3 **Residential Owner-as-Contractor Permitting & Inspection Process** - For residential projects where the owner serves as the contractor, with a total construction permit value of less than \$30,000, the permit and plan review charges will be based on a per trade basis, for the trades involved in the work, as specified in LUESA Fee Ordinance, Section II, Part D, item 49.1. Inspections will be charged on a per trip basis as specified in item 49.1, regardless of it being a single trade or multi-trade service, with a per trip inspection duration on site time limit of 30 minutes.

108.11 Temporary Utilities and Occupancy

108.11.1 **Temporary Utilities Before the Electric/Mechanical Permit is Finaled**
Temporary utility is governed by the NC State Building Code, Administrative Code and policies, and the North Carolina Electrical Code Administrative Section. In advance of approval for temporary utility, the applicant will need to comply with the Department's online process for Temporary Utility Online Application Process & Conditions.

108.11.2 **Limited Conditional Utility**

After the electric permit is finaled and a C/C issued:

Where the owner chooses to request Limited Conditional Utility, under a C/C or an active project the owner or his representative will be required to sign a statement, including the following:

Acknowledging responsibility for any holds outstanding

Acknowledging that limited conditional power does not grant occupancy and it will be turned off if there is an illegal occupancy or a hazardous condition.

Acknowledging that a notice will be posted conspicuously on site, with a note "not to remove", stating the conditions of limited conditional utility.

Limited Conditional Utility will be used primarily to maintain environmental conditions on projects where a C/O or TCO have not been issued, that is, the project is not approved for occupancy. Conditional Utility is not intended for temporary or construction power.

Any customer proposing to acquire Conditional Utility in advance of the C/O or TCO (other than temporary power), must submit a Conditional Utility Plan during permit application/plan review for approval by review staff or the Chief Code Administrator of the related discipline (electrical or mechanical).

The Conditional Utility plan will indicate: a) why the utility is needed, b) the time period in the project when it will be needed, c) branch circuit or feeder isolation details, and d) guards against unauthorized extension of the utility.

108.11.3 **Temporary Certificates of Occupancy**

The Department may elect to offer Temporary Certificates of Occupancy (TCO).

A Temporary Certificate of Occupancy may be used for a stated period of time, for specified portions of the building that the CEO finds may be safely occupied before completion of the entire building.

If offered, the TCO will be available only to account holders. Charges will bear

the full cost of a TCO. Placards must be maintained by the owner on site, giving notice of the TCO condition. Account holders who do not closeout TCO's will have their TCO privilege suspended.

108.11.4 Certificates of Compliance/Certificates of Occupancy

At the conclusion of all work done under a permit, the CEO shall make a final inspection. If he finds that the completed work complies with the Building, Electrical, Mechanical, Plumbing and Fire portions of the Code, the Department shall issue a Certificate of Compliance for each portion of the completed work. If the Department finds that the completed work complies with all applicable State and local laws, local ordinances and regulations (or the agency responsible for enforcing the local ordinance or regulation has released its holds on the project), and terms of the permit, the Department shall issue a Certificate of Occupancy. No new building or part thereof may be occupied, no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or removed may be occupied until the Department has issued a Certificate of Occupancy. Violation of this section constitutes a misdemeanor. G.S. 153A-363; 160A-423.

108.12 Administrative Enforcement

108.12.1 Stop Work Orders - Whenever building construction is performed in a hazardous manner, or in substantial violation of a State or local building law, local building ordinance or regulation, the CEO may order the specific part of the work that is in violation or that presents such a hazard to be immediately stopped. The stop order shall be in writing and directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for stoppage, and the conditions under which the work may be resumed. The owner or builder may appeal a stop order to the North Carolina Commissioner of Insurance within five (5) days of issuance. The owner or builder shall give to the Commissioner of Insurance written Notice of Appeal, with a copy to the local CEO. The Commissioner will conduct a hearing at which the appellant and the CEO will be permitted to submit relevant evidence and the Commissioner will rule on the appeal. Pending the ruling on an appeal by the Commissioner of Insurance, no further work may take place in violation of a stop order. Violation of a stop order constitutes a misdemeanor. G.S. 153A-361 160A-421.

108.12.2 Revocation of Permits - The CEO may revoke and require the return of any permit by giving written notice to the permit holder, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application or plans and specifications, for refusal or failure to comply with the requirements of any applicable State or local laws or local ordinances or regulations, or for false statements or misrepresentations made in securing the permit. Any permit, Certificate of Occupancy, or Certificate of Compliance issued in violation of any State or local law, local ordinance or regulation, including but not limited to, the Mecklenburg County Zoning Ordinance, the City of Charlotte Zoning Ordinance, or the City of Charlotte Tree Ordinance (Chapter 21 of the Code of the City of Charlotte) also may be revoked.

108.12.3 Defects in Building to be Corrected - If the CEO finds any defects in a building, or finds the building construction has not been performed in accordance with the applicable State and local laws and ordinances and regulations, or finds that the building, because of its condition, is dangerous or contains hazards, he shall notify the

owner or occupant of the building of its defects, hazardous conditions, or failure to comply with the law. The owner and the occupant shall each immediately remedy the defects, hazardous conditions, or violations of law in the property each owns. G.S. 153A-365 160A-425.

108.12.4 **Unsafe Building Condemned** - The CEO shall condemn as unsafe each building which appears to him to be especially dangerous to the life, health, safety, or welfare of the occupant, and shall affix a notice of the dangerous character of the building to a conspicuous place or places on the building. G.S. 153A-366 160A-426.

108.12.5 **Removing Notice from Condemned Building** - If a person removes a notice that states the dangerous character of the building that has been affixed to a building by the CEO; he is guilty of a misdemeanor. G.S. 153A-367 160A-427.

108.12.6 **Action in Event of Failure to Take Corrective Action**

A. If the owner of a building that has been condemned as unsafe pursuant to Section 108.12.4 fails to take prompt corrective action, the CEO shall give written notice by certified or registered mail to the owner's last known address or by personal service that:

1. The building is in a condition that appears to constitute a safety hazard or to be dangerous to the life, health, or welfare of the occupants.
2. A hearing will be held before the CEO at a designated place and time, not later than ten (10) days after the date of the notice at which time the owner is entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
3. Following the hearing, the CEO may issue any order to repair, close, vacate, or demolish the building that appears appropriate. G.S. 153A-368 160A-428.

B. If, after due diligence, the name or whereabouts of the owner cannot be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building in question at least ten (10) days before the day of the hearing and a notice of the hearing is published at least once not less than one week before the hearing. G.S. 153A-368 160A-428.

C. If, upon a hearing held pursuant to Section 108.12.6, the CEO finds that the building is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, safety, or welfare, he shall issue a written order, directed to the owner of the building, requiring the owner to remedy the defective conditions by repairing, closing, vacating, demolishing the building or taking other necessary steps, within such period, not less than sixty (60) days, as the CEO may prescribe. G.S. 153A-369 160A-429.

108.12.7 **Appeal: Finality of Order Not Appealed** - An owner who has received an order under Section 108.12.6 may appeal the order to the Board by giving written notice of appeal to the CEO and to the Clerk to the Board within ten (10) days of issuance. In

the absence of an appeal, the order of the CEO is final. The Board shall hear any appeal within a reasonable time and may affirm, modify and affirm, or revoke the order. G.S. 153A-370 160A-430.

108.13 Judicial Enforcement and Penalties

108.13.1 Equitable Enforcement - Whenever a violation is denominated a misdemeanor under this Ordinance or under Part 4 of Article 18 of Chapter 153A or Part 5 of Article 19 of Chapter 160A, or a building is being used in violation of the State Building Code, its certificate of compliance, or its certificate of occupancy, the Administrator on behalf of the County, either in addition to, or in lieu of, other remedies, may initiate any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building involved, including filing a notice of lis pendens in accordance with General Statutes 1-120.2. General Statutes. 153A-372; 160A-432.

108.13.2 Penalties - Any person, firm or corporation who violates any of the provisions of Sections 108.6, 108.7, 108.8, 108.8.1, 108.8.2, 108.9, 108.10, 108.10.1, 108.10.2, 108.10.3, 108.11, 108.12.1, 108.12.2, 108.12.3, 108.12.4, 108.12.5, or Section 109, shall upon conviction, be guilty of a Class 3 misdemeanor and shall be punished in accordance with General Statutes 14-4. After notice of the violation has been given, each day that a violation continues to exist beyond thirty (30) days shall be considered a separate offense.

110 Conflict with Other Laws

This Ordinance is intended to replace and repeal the Building-Development Ordinance adopted September 20, 2017, as amended.

111 Separability

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

112 EFFECTIVE DATE

This Ordinance is effective February 19, 2019.