

specifications therefor, unless he is the owner of the building. No member of an inspection department or other individual contracting with a city to conduct inspections shall engage in any work that is inconsistent with his duties or with the interest of the city. (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1993, c. 232, s. 4.)

**Effect of Amendments.** — The 1993 amendment, effective June 28, 1993, in the first sentence inserted “or other individual contracting with a city to conduct inspections” following “inspection department” and inserted “or employed by

a business that is financially interested” preceding “in the furnishing of labor”; and in the second sentence inserted “or other individual contracting with a city to conduct inspections” following “inspection department”.

**OPINIONS OF ATTORNEY GENERAL**

**Inspector Prohibited from Furnishing Labor and Materials Within City.** — This section prohibits a plumbing and mechanical inspector from furnishing labor and materials for installa-

tion and repair of garage doors and electric door openers within city’s jurisdiction. See opinion of Attorney General to Mr. David A. Holec, Lumberton City Attorney, 51 N.C.A.G. 7 (1981).

**§ 160A-416. (Effective October 1, 1994 — See editor’s note) Failure to perform duties.**

If any member of an inspection department shall willfully fail to perform the duties required of him by law, or willfully shall improperly issue a permit, or shall give a certificate of compliance without first making the inspections required by law, or willfully shall improperly give a certificate of compliance, he shall be guilty of a Class 1 misdemeanor. (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1993, c. 539, s. 1089; 1994, Ex. Sess., c. 24, s. 14(c).)

**Editor’s Note.** — Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: “This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected

by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.”

**Effect of Amendments.** — The 1993 amendment, effective October 1, 1994, and applicable to offenses occurring on or after that date, inserted “Class 1” preceding “misdemeanor”.

**§ 160A-417. Permits.**

(a) (Effective October 1, 1994 — See editor’s note) No person shall commence or proceed with:

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure,
  - (2) The installation, extension, or general repair of any plumbing system,
  - (3) The installation, extension, alteration, or general repair of any heating or cooling equipment system, or
  - (4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment,
- without first securing from the inspection department with jurisdiction over the site of the work any and all permits required by the

State Building Code and any other State or local laws applicable to the work. A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws. Nothing in this section shall require a city to review and approve residential building plans submitted to the city pursuant to Section R-110 of Volume VII of the North Carolina State Building Code; provided that the city may review and approve such residential building plans as it deems necessary. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. When any provision 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 the work is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C of Chapter 143 shall be required for any construction, installation, repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute a Class 1 misdemeanor.

(b) No permit shall be issued pursuant to subsection (a) for any land-disturbing activity, as defined in G.S. 113A-52(6), for any activity covered by G.S. 113A-57, unless an erosion control plan has been approved by the Sedimentation Pollution Control Commission pursuant to G.S. 113A-54(d)(4) or by a local government pursuant to G.S. 113A-61 for the site of the activity or a tract of land including the site of the activity. (1905, c. 506, s. 26; Rev., s. 2986; 1915, c. 192, s. 3; C.S., s. 2748; 1957, c. 817; 1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 65; 1981, c. 677, s. 1; 1983, c. 377, s. 3; c. 614, s. 1; 1987 (Reg. Sess., 1988), c. 1000, s. 2; 1993, c. 539, s. 1090; 1994, Ex. Sess., c. 24, s. 14(c); 1993 (Reg. Sess., 1994), c. 741, s. 2.)

**Local Modification.** — Alamance: 1993, c. 381, s. 2; town of Wrightsville Beach: 1989, c. 611, s. 1.

**Cross References.** — For provisions specifying that permits required for installation, alteration, or restoration of any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and utilization standards meet all requirements of § 153A-357 or this section, see § 143-151.30.

**Editor's Note.** — Session Laws 1983, c. 614, which amended this section, pro-

vided in s. 5 that the act would not apply to Wilson, Nash and Edgecombe Counties.

Session Laws 1987 (Reg. Sess., 1988), c. 1000, s. 2, which added subsection (b), became effective January 1, 1989.

Session Laws 1993, c. 539, which amended this section, in s. 1359, as amended by Session Laws 1994, Extra Session, c. 24, s. 14(c), provides: "This act becomes effective October 1, 1994, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this