

# MONTREAT CODE OF GENERAL ORDINANCES

## CHAPTER J -- BUILDING CODES

### ARTICLE I: GENERAL BUILDING REGULATIONS

*(Revised 10/08/2009)*

Section 1. Building Inspector. The Building Inspector shall be appointed by the Board of Commissioners and shall possess all the powers conferred and perform all the duties prescribed by N.C. G.S. § 160A-412 and other statutes applicable thereto. The Inspector shall possess such further powers and perform such further duties as may be prescribed by this Chapter. The Inspector shall receive the fees allowed by Statute and prescribed under the Town Fee Schedule. The said Inspector or his/her deputy shall have the right to enter, at all reasonable times, any building or structure within the Town, for the purpose of inspecting or in the performance of his/her duties. The Inspector shall make, or cause to be made, such inspection of all chimneys, flues, steam and fire openings within the Town. The Inspector may, when occasion requires, appoint a deputy or deputies, to perform any part of his/her duties.

Section 2. Building Permit Required. It shall be unlawful for any Person or Entity to hereafter erect, construct or build, structurally repair, replace or alter or cause or authorize the same any building or structure on any lot or parcel of land within the Town and the unincorporated Buncombe County inside the extraterritorial jurisdiction of Montreat, without and until such Person or Entity first submits to the Building Inspector a duly signed and completed application for a building permit. The application shall be accompanied by plans and specifications for the proposed building or structure, the material to be used, the proposed location thereof, the purposes for which the building or structure is to be used, the estimated cost of the project, and any other information that will enable said Building Inspector to properly evaluate the application. No permit shall be required for repairs to a single-family residence with construction costs less than \$5,000 unless the work involves: the addition, repair or replacement of load-bearing structures; the addition, repair, replacement or change in the design of plumbing systems; the addition, repair or replacement of heating, air-conditioning or electrical wiring, devices, appliances or equipment; the use of materials not permitted by currently adopted North Carolina Residential Code; or the addition (excluding replacement, up to the \$5,000 limit as provided herein, of like-grade fire resistance) of roofing.

Section 3. State Building Code Adopted. All rules and regulations adopted by the State of North Carolina as the current effective edition of North Carolina State Building Code as referenced by the North Carolina Department of Insurance – Office of State Fire Marshall for the proper construction and erection of all buildings as provided in the N.C.G.S. § 143-136 through 143-143.2, are hereby adopted by reference and shall control general construction the same as if set out at length herein, except as amended or modified in this Chapter. North Carolina State Building Code includes: NC Administrative Code and Policies, NC Building Code, NC Residential Code, 2006 NC Rehabilitation Code, 1995 Existing Buildings Code; NC Accessibility Code Vol. 1-C (including current amendments), NC Electrical Code (current edition NFPA 70 – National Electrical Code), NC Energy Conservation Code, State of North Carolina Regulations for Manufactured Homes, and NC Fire Code. The North Carolina State

Building Code Council may revise and amend the North Carolina State Building Code, either on its own motion or upon application from any citizen, state agency or political subdivision of the State. In adopting any amendment, the Council shall comply with the same procedural requirements and standards set forth in N.C.G.S. §143-138 for adoption of the Code, and such adoption shall be the current effective edition of the Code regulating general construction for the Town, except as modified or amended in this Chapter.

Section 4. Green Building Incentive. Applicants for a building permit may provide documentation that the proposed design(s) and construction practices will pursue Leadership in Energy and Environmental Design (LEED) certification as approved by the U. S. Green Building Council, a one Globe or higher rating under the Green Globes program standards adopted by the Green Building Initiative, EarthCraft House certification, National Association of Home Builders (NAHB) Green Home certification, or equivalent nationally or state recognized certification or rating system with third-party verification of sustainable building practices. Such applications are eligible for a partial rebate of permit fees dependant upon the level of certification achieved and/or extent of sustainable practices utilized. Additional incentives exist for other measures utilized as follows:

The total per-trade inspection fee(s) associated with the following shall be waived in the form of a refund offered to applicants providing as-built verification of:

- Installation of Geothermal Heat Pump Systems
- Solar Energy Systems (Either Photovoltaic (PV) or Hot Water)
- Vertical-Axis Wind Turbines
- Stormwater or Graywater Collection/Recycling Systems

A 10% reduction in associated permit fees for construction projects shall be approved by the Building Inspector if utilizing:

- Approved Clear Water Contractors
- HealthyBuilt Home Certification
- Mountain Council for Accountable Development (MCAD) Certified Developers
- Low Impact Development (LID) Design Concepts

Proof of LEED certification shall provide a partial rebate of associated permit fees. The rebates increase proportionate to the level of certification achieved:

- 10% Rebate for LEED Certified
- 15% Rebate for LEED Silver
- 20% Rebate for LEED Gold
- 25% Rebate for LEED Platinum

Projects providing proof of equivalent nationally or state recognized certification or rating systems with third-party verification of sustainable building practices are also eligible for comparable rebates proportionate to level of certification. Regular fees shall be paid in full upon approval and rebated following certification. The use of developers or builders with multiple, or overlapping, areas of training and credentials does not accrue cumulative rebates, so the desired rebate or fee reduction must be specified during application for permit(s).

Section 5. Fuel Storage Tank. Any storage tank for gasoline, oil or other combustible or inflammable materials shall meet the requirements of the North Carolina Building Code and NFPA standards. The time frame to bring existing tanks into compliance with this Ordinance is five years from the date of adoption of this Ordinance.

## **ARTICLE II: CONDEMNATION**

Section 1. Inspection of Dangerous Buildings or Structures. Whenever the Board is informed that any building or other structure, within the Town is especially dangerous in case of fire, by reason of the bad condition of walls, defective construction, decay, or other causes, or is so situated as to endanger the lives of Persons passing by or residing in the vicinity thereof, they shall forthwith require the Building Inspector, together with the Mayor, to make a survey of said building, or structure, and report to them their opinion of the same.