



ORDINANCE NO. 2026- 0502

**AN ORDINANCE OF THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA TO AMEND CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS**

**WHEREAS**, pursuant to Chapter 160D of the North Carolina General Statutes ("Chapter 160D"), the Village of Bald Head Island (the "Village") may adopt and amend development regulations in the interest of furthering the public health, safety, and welfare of the Village; and

**WHEREAS**, pursuant to G.S. 160D-1102, the Village may create an inspections department and appoint inspectors to carry out its duties and enforcement obligations relating to the construction of buildings and other structures; the installation of plumbing systems, electrical systems, heating systems, refrigeration systems, and air-conditioning systems; the maintenance of buildings and other structures in a safe, sanitary and healthful condition; and any other matters specified by Village Council; and

**WHEREAS**, Chapter 6 of the Village Code of Ordinances creates an inspections department and charges said department to carry out the Village inspection duties and enforcement obligations under state law as set forth above; and

**WHEREAS**, staff has recommended various amendments to Chapter 6 of the Village Code of Ordinances to update statutory and building code references and otherwise modernize terminology; and

**WHEREAS**, the Village Council has determined it to be in the best interests of the Village to adopt the proposed amendments to Chapter 6 as set forth in Exhibit A.

**NOW, THEREFORE, BE IT ORDAINED**, by the Village of Bald Head Island, North Carolina that:

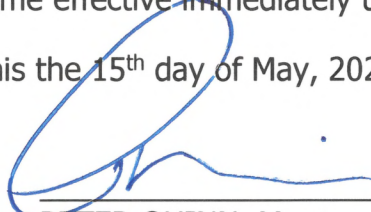
**Section 1.** Chapter 6, Buildings and Building Regulations, of the Village Code of Ordinances is hereby amended and restated to read as set forth in Exhibit A attached hereto.

**Section 2.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 3.** This ordinance shall become effective immediately upon adoption.

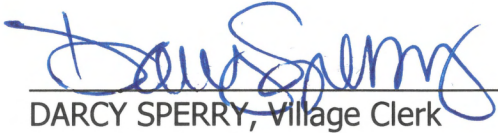
Passed and adopted by the Village Council this the 15<sup>th</sup> day of May, 2026.

BY:



PETER QUINN, Mayor

ATTEST:

  
DARCY SPERRY, Village Clerk

**EXHIBIT A:**  
**CHAPTER 6, BUILDINGS AND**  
**BUILDING REGULATIONS**

ARTICLE I.  
IN GENERAL

Secs. 6-1--6-20. Reserved.

ARTICLE II.  
INSPECTIONS\*

DIVISION 1.  
GENERALLY

Sec. 6-21. Key boxes required on all commercial structures.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Code enforcement officer means and refers to the village official responsible for the daily oversight of the village duties and responsibilities pursuant to G.S. 160D-1104, including, but not limited to ensuring compliance with the state building code and all applicable construction, fire-safety, electrical, mechanical, and plumbing codes; performing inspections; issuing permits; and enforcing all related provisions of this chapter.

Commercial structure means any structure defined by the state fire prevention code as a commercial building.

Key Box means a secure box of approved design in which shall be located a building key, which shall permit access to such structure by the village department of public safety in the event of a fire alarm emanating from such structure as provided for in the state fire prevention code.

(b) Approval by code enforcement officer. No commercial structure shall be constructed, nor any certificate of occupancy issued therefor, unless the owner thereof shall have installed a key box approved in design, with the location approved by the code enforcement officer, and the means of access to such box having been delivered to the director of the department of public safety or his duly authorized designee. Further, such key box shall be continuously thereafter maintained so as to permit access to such structure by the director of the department of public safety or his duly authorized designee in the event of a fire or medical emergency therein or alarm indicating the presence of fire or medical emergency.

(c) Violations. Violation of this section shall constitute a class 3 misdemeanor, punishable by a fine not to exceed \$500.00. Each day during which such violation exists shall constitute a separate violation of this section.

Secs. 6-22--6-30. Reserved.

## DIVISION 2.

### ADOPTION OF REGULATORY CODES BY REFERENCE

#### Sec. 6-31. Scope of article and codes.

The provisions of this article and of regulatory codes adopted in this article shall apply to the following:

(1) 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 or attached to such building or structure;

(2) 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;

(3) 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;

(4) The installation, erection, alteration, repair, use and maintenance of electrical systems and appurtenances thereof.

#### Sec. 6-32. Building code adopted.

The most recent edition, including all subsequent amendments, to the following regulatory codes that comprise the state building code, as adopted by the North Carolina Building Code Council, are adopted by reference as fully as though set forth in this article:

- (1) Building Code;
- (2) Residential Code;
- (3) Existing Building Code;
- (4) Energy Conservation Code;
- (5) Fire Code;
- (6) Fuel Gas Code;
- (7) Mechanical Code;
- (8) Plumbing Code;
- (9) Electrical Code; and
- (10) Administrative Code and Policies.

Sec. 6-37. Amendments to codes.

Amendments to the regulatory codes adopted by reference in this article, which are from time to time adopted and published by the agencies or organizations referred to in this article shall be effective in the village at the time such amendments are filed with the code enforcement officer as provided in section 6-39.

Sec. 6-38. Compliance with codes.

(a) 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 either the state building code, General Construction, volume I, or the state building code, volume I-B, Residential, whichever is applicable, or of both if both are applicable.

(b) Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems, or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in accordance with the minimum standards, requirements, and other provisions of the state plumbing code (state building code, volume II, Plumbing).

(c) All mechanical systems consisting of heating, ventilating, air conditioning, and refrigeration systems, fuel burning equipment, and appurtenances shall be installed, erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements, and other provisions of the state mechanical code (state building code, volume III, Mechanical).

(d) All electrical wiring, installations and appurtenances shall be erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements, and other provisions of the state electrical code (state building code, volume IV, Electrical).

Sec. 6-39. Copies of codes filed with clerk.

An official copy of each regulatory code adopted in this article, and official copies of all amendments thereto, shall be kept on file in the office of the code enforcement officer. Such copies shall be the official copies of the codes and the amendments.

Secs. 6-40--6-60. Reserved.

DIVISION 3.  
INSPECTION DEPARTMENT

Sec. 6-61. Organization of department.

The village does hereby create an inspection department of the village government which shall consist of a code enforcement officer who shall hold one or more code enforcement official standard certificates pursuant to G.S. 143-151.13.. The inspection department shall consist of any other inspectors or deputy or assistant inspectors, whether shared jointly with another local or county government or hired on a full or part-time basis, as may be necessary to carry out the village duties and responsibilities as set forth in this chapter.

Sec. 6-62. General duties of department and inspectors.

It shall be the duty of the inspection department to enforce all of the provisions of this chapter and the provisions of G.S.160D-1104.

Sec. 6-63. Conflicts of interest.

No officer or employee of the inspection department 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 in violation of G.S. 160D-1108.

Sec. 6-64. Reports and records.

The inspection department, and each inspector, shall keep complete, permanent, and accurate records in convenient form of all applications received, permits issued, inspections, and reinspections made, and all other work and activities of the inspection department. Periodic reports shall be submitted to the village council, and to other agencies, as required.

Sec. 6-65. Inspection procedure.

(a) Inspections generally.

(1) The inspection department 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 whether the work complies with this article and the appropriate codes.

(2) When deemed necessary by the appropriate inspector, materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by approved and recognized inspection organizations; provided, no approval shall be based upon reports of such organizations unless the appeals are in writing and certified by a responsible officer of such organization.

(3) All holders of permits or their agents shall notify the inspection department and the appropriate inspector at each of the following stages of construction so that approval may be given before work is continued:

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

b. Framing inspection. The framing inspection shall be made after all structural framing is in place and all roughing-in of plumbing and electrical and heating has been installed, after all fire blocking, chimneys, bracing and vents are installed, but before any of the structure is enclosed or covered. Poured in place concrete structural elements shall be inspected before each pour of any structural member.

c. Fireproofing inspection. The fireproofing inspection shall be made after all areas required to be protected by fireproofing are lathed, but before the plastering or other fireproofing is applied.

d. Final inspection. The final inspection shall be made after the building or structure has all doors hung, fixtures set, and is ready for occupancy, but before the building is occupied.

(b) Calls for inspection. Request for inspections may be made to the office of the inspection department or to the appropriate inspector. The inspection department shall make inspections as soon as practicable after request is made therefor, provided such work is ready for inspection at the time the request is made.

(c) Reinspections. Reinspections 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 agent. Failure to call for inspections or proceeding without approval at each stage of construction shall be deemed a violation of this article.

(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 department has issued a certificate of occupancy therefor. A temporary certificate of occupancy may be issued for a portion of a building which may safely be occupied prior to final completion and occupancy of the entire building. Application for a certificate of occupancy may be made by the owner or his agent after all final inspections have been made for new buildings, or, in the case of existing buildings, after supplying the information and data necessary to determine compliance with this article, the appropriate regulatory codes and chapter 32, pertaining to zoning, for the occupancy intended. The inspection department 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 article, the regulatory codes, and chapter 32, pertaining to zoning, for the occupancy intended.

#### Sec. 6-66. 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 department shall be deemed to legalize the violation of any provision of this article or any provision of any regulatory codes adopted in this article.

Sec. 6-67. Powers of inspection officials.

(a) Authority. Inspectors are hereby authorized, empowered, and directed to enforce all the provisions of this article and the regulatory codes adopted in this article.

(b) Right-of-entry. With an appropriate warrant or permission from the owner or occupant, inspectors shall have the right-of-entry to any premises within the jurisdiction of the regulatory codes adopted in this article at reasonable hours for the purpose of inspection or enforcement of the requirements of this article and the applicable regulatory codes.

(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 article or any other village ordinance, or in violation of any provision of any regulatory codes adopted in this article, or in violation of the terms of the permit issued therefor, or in such manner as to endanger life or property, the appropriate inspector may order such work to be immediately stopped in accordance with G.S. 160D-404. Appeals of stop orders shall be made to the State Fire Marshal or his designee pursuant to G.S. 160D-1114.

Secs. 6-68--6-80. Reserved.

DIVISION 4.  
ENFORCEMENT

Sec. 6-81. Registration of contractors.

Every person carrying on the business of building contractor, plumbing contractor, mechanical contractor, or electrical contractor within the village shall register at the office of the inspection department, giving the name and place of business.

Sec. 6-82. Permit required.

(a) Building permit.

(1) No person shall commence or proceed with the construction, reconstruction, alteration, repair, removal, or demolition of any building or other structure or any part thereof without a written permit therefor from the building inspector in accordance with G.S. 160D-1110.

(2) In all cases of removal or demolition of a building or structure, a good and sufficient bond may be required to be posted by the property owner or his contractor at the time of application for a permit, to ensure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his contractor to completely demolish, remove, and clear the premises, after 30 days' notice by the building inspector, shall be cause for forfeiture of such bond.

(b) Plumbing permit. No person shall commence or proceed with the installation, extension, or general repair of any plumbing system without a written permit therefor from the plumbing inspector; provided, however, no permit shall be required for minor repairs or replacements on the house side of a trap to an installed system of plumbing if such repairs or replacements do not disrupt the original water supply or the waste or ventilating system.

(c) Mechanical permit. No person shall commence or proceed with the installation, extension, alteration or general repair of any heating or cooling equipment system without a written permit from the mechanical inspector; provided, however, no permit shall be required for minor repairs or minor burner services or filter replacements of warm air furnaces or cooling systems.

(d) Electrical permit. No person shall commence or proceed with the installation, extension, alteration, or general repair of any electrical wiring, devices, appliances or equipment without a written permit therefor from the electrical inspector; provided, however, no permit shall be required for minor repair work such as the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed; provided, further, no permit shall be required for the installation, alteration, or repair of the electrical wiring, devices, appliances, and equipment installed by or for an electrical public utility corporation for the use of such corporation in the generation, transmission, distribution, or metering of electrical energy.

#### Sec. 6-83. Application for permit.

Written application shall be made for all permits required by this article and shall be made on forms provided by the inspection department. Such application shall be made by the owner of the building or structure affected or by his authorized agent or representative and in addition to such other information as may be required by the appropriate inspector to enable him 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 address of authorized representative or agent, if any;
- (3) Name and address of the contractor, if any, together with evidence that he has obtained a certificate from the appropriate state licensing board for such contractors, if such be required for the work involved in the permit for which application is made.

#### Sec. 6-84. Plans and specifications.

Detailed plans and specifications shall accompany each application for a permit when the estimated total cost of the building or structure is in excess of \$45,000.00 and for any other building or structure where plans and specifications are deemed necessary by the appropriate inspector in order for him to determine whether the proposed work complies with the appropriate regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed, and the plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this article and the appropriate regulatory codes. Where plans and specifications

are required, copies of them shall be kept at the work until all authorized operations have been completed and approved by the appropriate inspector.

#### Sec. 6-85. 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 \$40,000.00, unless the work is to be performed by a licensed general contractor, or unless the applicant furnishes evidence that he is exempt from the provisions of the law licensing general contractors.

(b) No building permit shall be issued for any building or structure unless the plans bear the state seal of a registered architect or a registered engineer, except the following:

(1) A family residence, up to eight units attached with grade level exit, which is not part of or physically connected with any other buildings or residential units;

(2) An institutional or commercial building having a total value not exceeding \$90,000.00;

(3) An institutional or commercial building having a gross floor area not exceeding 2,500 square feet.

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

(d) Where detailed plans and specifications are required under this article, no building permit shall be issued unless such plans and specifications have been provided.

(Ord. No. 2, art. III, § 3-6, 1-27-1986)

#### Sec. 6-86. 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 article and the appropriate regulatory codes, he shall issue such permit, upon payment of the proper fee or fees as provided in section 6-90.

#### Sec. 6-87. 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 such 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 article and the appropriate regulatory codes; or for false statements or misrepresentations made in securing such permit.

#### Sec. 6-88. Time limitations on validity of permits.

All permits issued under this article shall expire by limitation 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 twelve months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured.

#### Sec. 6-89. 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 article or of any regulatory code adopted in this article, shall not be made until specific written approval of such changes or deviations has been obtained from the appropriate inspector.

#### Sec. 6-90. Permit fees; land use development review fees.

Fees for permits shall be based upon the total estimated cost of the proposed work, including all subcontractors, if any, but in no case shall the total estimated cost be less than the market value of similar completed work in the village as determined by the appropriate inspector. Fees for the review of land use development plans shall be listed on the permit fee schedule, as may be amended from time to time,, shall be maintained in the office of the village clerk and is hereby incorporated by reference as part of this article.

#### Secs. 6-91--6-110. Reserved.

### DIVISION 5.

#### CONDEMNATION, REPAIR, AND DEMOLITION OF UNSAFE BUILDINGS\*

\* Cross References: ch. 10.

#### Sec. 6-111. Duty of inspection department.

The inspection department shall be charged with enforcing the provisions of G.S. 160D-1119-G.S. 160D-1127, relating to the condemnation, repair, and demolition of unsafe buildings.

#### Secs. 6-112--6-130. Reserved.

### DIVISION 6.

#### ENFORCEMENT OF HOUSING CODE

Sec. 6-131. Duty of inspection department.

The inspection department shall be responsible for the enforcement of any ordinances or codes adopted by the village council relating to the repair, closing, and demolition of dwellings unfit for human habitation, pursuant to G.S. 160D-1101 et seq.

Secs. 6-132--6-160. Reserved.

### ARTICLE III. FIRE DISTRICTS\*

\* Cross References: prevention and protection, ch. 12.

State Law References: of fire districts required, G.S. 160D-1128.

Sec. 6-161. Districts established.

Attached and incorporated in this article by reference is a map of the village designating the perimeter boundary of a primary fire district labeled thereon and a secondary fire district similarly labeled thereon. The area of the village designated on the map as the primary fire district is established as the primary fire district pursuant to G.S. 160A-435 with and incorporating the limits defined therefor on the map attached. The area of the village designated on the map as the secondary fire district is hereby established as the secondary fire district pursuant to G.S. 160D-1128 with and incorporating the limits defined therefor on the map attached.

Sec. 6-162. Primary fire district.

Within the primary fire district of the village as established in this article, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired or moved either into the primary fire district or from one place to another within the district except upon the permit of the village building inspector as approved by the commissioner of insurance.

Sec. 6-163. Secondary fire district.

Within the secondary fire district and pursuant to G.S. 160D-1128, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired or moved either into the district or from one place to another within the district except in accordance with the following requirements which shall be in addition to all other state building code and/or fire code requirements for the construction of such buildings:

(1) Monitored smoke detection systems on new structures. All newly constructed commercial buildings or structures containing in excess of 500 square feet and all new residential buildings or structures shall be equipped with monitored smoke detection systems

in conformity with the standards and specifications for the construction and installation thereof as shall be set forth in the National Fire Prevention Association (referred to in this article as "NFPA") Pamphlet 72 as applicable, as the Pamphlet shall, from time to time, be amended by the NFPA, the terms and specifications of which are hereby incorporated by reference.

(2) Monitored smoke detection systems in pre-existing commercial structures. All pre-existing commercial buildings or commercial structures containing in excess of 500 square feet shall be equipped, not later than January 1, 2009, with monitored smoke detection systems in conformity with the standards and specifications for the installation thereof as set forth in the National Fire Prevention Association (referred to in this article as "NFPA") Pamphlet 72, the terms and specifications of which are hereby incorporated by reference.

(3) Fire sprinkling systems.

a. Any commercial buildings or structures which shall contain at least 400 square feet and are composed of two or more stories or which shall have an occupancy rating in excess of 75 persons shall be equipped with a fire sprinkling system in conformity with the standards and specifications for construction and installation thereof as shall be set forth in NFPA pamphlets 13R and 13D, as applicable, and as the same shall from time to time be amended by the NFPA, the terms and specifications of which are hereby incorporated by reference.

b. Any residential building or structure designed or constructed for occupancy by more than one family unit shall be equipped with fire sprinkling systems in conformity with the standards and specifications for construction and installation thereof as shall be set forth in NFPA pamphlets 13R and 13D, as applicable, and as the same shall from time to time be amended by the NFPA, the terms and specifications of which are hereby incorporated by reference, except for such buildings and structures as shall have been designed or constructed for occupancy by two-family units which shall have no common horizontal separating walls and which shall be separated by vertical separating walls having at least a two-hour firewall rating as specified by Underwriters' Laboratories.

(4) Roofing materials. All frame or wooden buildings or structures shall be roofed with materials rated as class B materials, or better, as such roofing materials are specified by the state building code.

(5) Garages. Any building or structure or portion thereof which shall be designed, constructed or used for permanent or temporary storage of any electrically powered vehicle shall be equipped with a heat detector that is connected to the monitored smoke detection system serving the structure. The heat detector shall be installed in accordance with applicable standards of the state fire code and NFPA Pamphlet 72.

Sec. 6-164. Occupancy.

The building inspector for the village shall be empowered to enforce the provisions of this article by and through the village ordinance providing for building inspection and occupancy permits, and no occupancy permit shall be issued to any structure located within the secondary fire district of the village until the article shall be in conformity herewith.

Sec. 6-165. Pre-existing usage.

Any repair or alteration to any frame or wooden building or structure located within the secondary fire district and pre-existing the adoption of this article shall be in conformity herewith unless such repair or alteration shall be occasioned by destruction or damage to such pre-existing building or structure by fire, hurricane or other disaster which shall have damaged the building or structure such that the proposed repair or alteration thereof shall cost less than 50 percent of the value of the building or structure immediately prior to such disaster.