

Brad,

I have to start by saying that your question is regulated by NC Statute and I have no authority to interpret State law. You need to consult with your county attorney regarding this matter.

My opinion, which carries no weight of law, is:

Session Law 2011-363 (HB168) added G.S. 160A-360(k) to provide that "property that is located in the geographic area of a municipality's extraterritorial jurisdiction and that is used for bona fide farm purpose is exempt from exercise of the municipality's extraterritorial jurisdiction under this article".

G.S. 160A-360 - Territorial jurisdiction

(k) As used in this subsection, "bona fide farm purposes" is as described in G.S. 153A-340. As used in this subsection, "property" means a single tract of property or an identifiable portion of a single tract. Property that is located in the geographic area of a municipality's extraterritorial jurisdiction and that is used for bona fide farm purposes is exempt from exercise of the municipality's extraterritorial jurisdiction under this Article. Property that is located in the geographic area of a municipality's extraterritorial jurisdiction and that ceases to be used for bona fide farm purposes shall become subject to exercise of the municipality's extraterritorial jurisdiction under this Article. For purposes of complying with 44 C.F.R. Part 60, Subpart A, property that is exempt from the exercise of extraterritorial jurisdiction pursuant to this subsection shall be subject to the county's floodplain ordinance or all floodplain regulation provisions of the county's unified development ordinance.

That appears to mean that a municipality has no authority to enforce the State Building Codes in the ETJ. Again, this is just my humble opinion.

Carl Martin
Chief Building Code Consultant

N.C. Department of Insurance
Office of State Fire Marshal
1202 Mail Service Center
Raleigh, NC 27699-1202
919.647.0009

-----Original Message-----

From: Brad Sutton <bsutton@harnett.org>
Sent: Tuesday, August 28, 2018 4:00 PM
To: Martin, Carl <Carl.Martin@ncdoi.gov>
Subject: [External] Building rules jurisdiction

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to Report Spam.<<mailto:report.spam@nc.gov>>