



CATAWBA COUNTY PERMIT

BUILDING (R) Alteration

P. O. Box 389
25 Government Drive
Newton, North Carolina 28658

Phone: 828-465-8399
Newton FAX: 828-465-8962

www.catawbacountync.gov

PERMIT NO:

APPLIED: 01/18/2006

ISSUED: 01/18/2006

EXPIRES: 07/18/2006

BLD2006-00108

IVR PIN#

Applicant DEFAULT APPLICANT, ,
Owner THAD DIBBLE, & CRYSTAL, 9035 GARRISON RD, SHERRILLS FORD NC 28673
Primary Contractor SAME AS OWNER, ,
** NO PEOPLESFT ACCOUNT ASSIGNED **

LIEN AGENT NOT ASSIGNED

PROPERTY ID#: **462801073807**

STREET ADDRESS: 9035 GARRISON RD, SHERRILLS FORD NC

PROJECT DESCRIPTION: FINISHING BSMT--LIV RM, GAME RM, DEN, BATH/ LOT 131

DIRECTIONS: NORTHVIEW HARBOUR PH 6/ LOT 131

TYPE OF USE:	TOTAL SQ FT	950.00
# OF STORIES: 0	NUMBER OF UNITS:	
ZONING:	TOTAL # OF ROOMS:	2
CODE EDITION:		

Related Permits for primary subcontractors associated with this project:

Additional permits for other related work will be issued as needed (i.e. gas lines, unit heaters, etc.)

ELE2006-00146

MEC2006-00102

PLM2006-00081

These Permits will remain inactive until an application from the subcontractor is received by the Permit Center.

Once the Permit is activated, scheduling through the IVR system will be permitted.

INVOICE#:

<u>FEE DESCRIPTION</u>	<u>DATE</u>	<u>FEE AMOUNT</u>
New Residential Building Fee	01/18/2006	\$163.00
Permit Placard Fee	01/18/2006	\$5.00
TOTAL FEES		\$168.00



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The County has an agreement with Republic Services of NC granting them an exclusive license to transport and dispose of all solid waste, including construction and demolition debris in the unincorporated areas of the County. The approval of your application for a construction/building permit is made specifically contingent upon your agreement not to utilize any other business or company to transport and/or dispose of solid waste from construction site(s). Failure to comply with this provision may result in assessment of fines up to \$500 per day. Call Republic Services, Hickory at 828-624-2453 for your disposal needs.

This permit is issued on the express condition that the above work shall conform in all respects to the statements certified to in the application for such permit, and that all work shall be done in accordance with all applicable zoning, building, electrical, plumbing and mechanical ordinances of Catawba County and the State of North Carolina.

A permit issued for work under this Code shall expire by limitations six months after the date of issuance if the work authorized (FOOTINGS ARE CONSIDERED 1st INSPECTION ON NEW CONSTRUCTION) has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefore shall expire. If a project expires, a minimum fee per the current fee schedule will be charged for each building and trade permit to reactivate the project.

***AN ADDITIONAL CHARGE PER THE CURRENT FEE SCHEDULE MAY BE ASSESSED
FOR EACH UNWARRANTED INSPECTION SCHEDULED. ***

If there are any questions, please contact the office between 8:00a.m. and 5:00p.m.

Request for an informal internal review per GS153A-352(f) may be requested **Only** if issue cannot be resolved
with the inspector of record.

Contact : Building Services Field Supervisor Reid Goforth.

Desk phone: 828-464-7880 Cell phone: 828-312-5709 Email: reid@catawbacountync.gov



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AFFIDAVIT OF WORKER'S COMPENSATION COVERAGE AND STATE PRIVILEGE LICENSE REQUIREMENTS

N.C.G.S. 87-14

The undersigned applicant for Building Permit # _____ being the

_____ Unlicensed Contractor _____ Owner _____ Officer/Agent of the Contractor

do hereby aver under penalties of perjury that the person(s), firm(s) or corporation(s) performing the work set forth in the permit:

_____ has/have three(3) or more employees and have obtained workers compensation insurance to cover them.

_____ has/have one or more subcontractor(s) and have obtained worker's compensation insurance covering them.

_____ has/have one or more contractor(s) who has/have no employees and has waived and has waived in writing their right to coverage by their contractor or have their own policy or worker's compensation covering themselves

_____ has/have not more than two (2) employees and no subcontractors.

_____ has renewed Contractor License.

_____ has/have applied for permit where the cost is under \$30,000 and I am therefore exempt from Licensed General Contractor requirements specified by G.S. 87-14.

_____ has/have applied for permit under owner exception to the licensing requirements mandating occupancy of the premise for 12 months following the completion of the project, while working on the project for which the permit is sought.

It is understood that the Inspections Department issuing the permit may require certificates of coverage and/or waivers of worker compensation insurance coverage prior to issuance of the permit and at any time during the permitted work for any person, firm or corporation carrying out the work.

SIGNATURES ARE TO BE WITNESSED BY INSPECTIONS PERSONNEL OR NOTARIZED.

FIRM NAME: _____

WITNESS: _____

DATE: _____

BY (PRINT): _____

TITLE: _____

SIGNATURE: _____

DATE: _____

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20____

SIGNATURE OF NOTARY: _____

MY COMMISSION EXPIRES _____, 20____

OFFICIAL SEAL



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Owner-Contractor Building Construction Projects – New Legal Requirements

Introduction

The 2011 General Assembly enacted legislation (S.L. 2011-376) imposing new requirements for building construction projects supervised by the property owner himself in lieu of hiring a licensed general contractor ("owner-contractor projects"). The new requirements went into effect on June 27, 2011 and now apply to all owner-contractor projects. The information below summarizes the new law, and discusses some practical questions that may arise as local governments, building inspectors, and citizens comply with the new requirements.

Summary of New Legal Requirements

Current Law: North Carolina law currently requires any building construction or alteration project costing \$30,000 or more to be superintended (supervised and managed) by a general contractor licensed in this state. (G.S. 87-1) Exempt from this requirement are building construction projects where the property owner intends to solely occupy the building being altered or built on his own property. If the building is not occupied solely by the property owner for at least 12 months following completion of the project, it is presumed that the property owner did not intend to solely occupy the building. (G.S. 87-1(b)(2)) If the property owner meets these criteria, he can, in essence, act as his own general contractor and perform the duty of superintending the construction project himself and thus, is exempt from the requirement of hiring a licensed general contractor. However, the law does not allow the property owner to obtain a building permit under this exemption and then delegate his duty to superintend the construction project to an unlicensed person. This duty can only be delegated to a general contractor licensed in this state. The new legislation is intended to strengthen enforcement of the exemption to help ensure that building construction and alteration projects otherwise required to be superintended by a licensed general contractor are not, in fact, being superintended by unlicensed persons who are not eligible under the owner-contractor exemption.

Local governments sometimes use the owner-contractor exemption as a cost-saving measure on public building construction projects, electing to act as their own general contractor and directly supervising their subcontractors in lieu of hiring a general contractor to superintend the project on their behalf. Local governments are subject to the same eligibility criteria and restrictions under the exemption as are private property owners.

This exemption applies to building alteration or construction projects on property owned by individuals as well as firms and corporations (including local governments). The



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exemption – and the criteria for eligibility under the exemption – applies to both residential and commercial building construction projects.

New Requirements: S.L. 2011-376 (H 648) does not change the eligibility criteria under which a property owner qualifies for the owner-contractor exemption. Instead, the legislation amends G.S. 87-14 to now require a property owner who wishes to act as his own general contractor to submit an affidavit to the local building inspector verifying his eligibility for the owner-contractor exemption. The person executing the affidavit must attest to three facts:

1. The person is the owner of the property on which the building is being constructed or altered, or, if the property is owned by a firm or corporation, the person is legally authorized to act on the firm or corporation's behalf;
2. The person will personally superintend and manage all aspects of the construction or alteration of the building, and that he will not delegate this duty to any other person who is not a licensed general contractor; and
3. The person will be personally present for all building inspections required under the North Carolina State Building Code (this last requirement does not apply if the plans for the building were drawn and sealed by a licensed architect).

The local building inspector is required to submit the affidavit to the North Carolina Licensing Board for General Contractors for verification that the property owner is eligible to act as his own general contractor under the exemption to G.S. 87-1. If the Board determines that the property owner is not eligible for the exemption, the building permit issued for the construction project must be revoked. In addition, local building inspectors are prohibited from conducting building inspections during construction if the property owner is not personally present during the inspection (this prohibition does not apply if the building plans were drawn and sealed by a licensed architect).

Application to Local Government Building Projects: These requirements *do* apply to local governments that choose to act as their own general contractor on public building construction or alteration projects. However, the legislation does not specify which employee or official must submit the affidavit on behalf of the local government. Given the formal requirement of submitting a verified affidavit, the individual should be:

1. Legally authorized to act on behalf of the unit of government (such as the manager, finance officer, or public works director);
2. Capable of personally supervising the construction project (the individual does not have to be a licensed general contractor, but should be someone with enough knowledge and experience to properly supervise the construction project);
3. Able to be personally present at all building inspections (unless the plans are drawn and sealed by a licensed architect); and
4. Clearly authorized in writing to undertake these activities on behalf of the unit of government, including submitting the required affidavit.



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Frequently Asked Questions

1. ***What building construction projects are required to be superintended by a licensed general contractor?***

Under North Carolina law (G.S. 87-1), the construction of any building, highway, public utilities, grading or any improvement or structure where the cost of the construction is \$30,000 or more must be superintended (supervised and managed) by a general contractor who is licensed in this state. A licensed general contractor is also required for erecting a North Carolina labeled manufactured modular building meeting the North Carolina State Building Code. Among the exemptions to this requirement are "owner-contractor" projects discussed in Question 2.

2. ***Who is eligible for the "owner-contractor" exemption?***

A property owner can act as his own general contractor and thus be exempt from the requirement to hire a licensed general contractor for building projects costing \$30,000 or more if the property owner (including the owner's family) intends to solely occupy the building being altered or built on his property. If the building is not solely occupied by the property owner for at least 12 months following completion of the project, it is presumed that the property owner did not intend to solely occupy the building. (G.S. 87-1(b)(2))

In addition, a property owner who acts as his own general contractor must personally supervise and manage the building construction or alteration project for which the building permit was obtained under the exemption. The property owner cannot then delegate this duty to an unlicensed person to superintend the project on his behalf. After the building permit has been obtained pursuant to the exemption, the property owner can *only* delegate this duty to a general contractor licensed in this state.

This exemption applies to building alteration or construction projects on property owned by individuals as well as firms and corporations (including local governments). The exemption – and the criteria for eligibility under the exemption – applies to both residential and commercial building construction projects.

3. ***How does a property owner qualify for the exemption?***

If a property owner meets the eligibility requirements for the "owner-contractor" exemption (he owns the property on which the building is being altered or constructed and intends to solely occupy the building once completed), the property owner must submit a verified affidavit to the local building inspector attesting to certain facts when the property owner applies for a building permit. The building inspector cannot issue a building permit unless the property owner submits the affidavit.

4. ***What information must the affidavit contain?***

At a minimum, the affidavit must attest to the following three facts:

1. The person is the owner of the property on which the building is being altered or constructed, or if the property is owned by a firm or corporation, the person is legally authorized to act on the firm or corporation's behalf;



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2. The person will personally superintend and manage all aspects of the construction of the building, and that he will not delegate this duty to any other person who is not a licensed general contractor; and
3. The person will be personally present for all building inspections required under the North Carolina State Building Code (this last requirement does not apply if the plans for the building were drawn and sealed by a licensed architect).

5. ***Is the property owner required to submit any additional information or supporting documentation with the affidavit?***

The new law does not require that the property owner submit any additional information or supporting documentation with his affidavit. However, a local building inspector may ask questions, require the property owner to fill out a questionnaire or form, or request additional information in determining whether the property owner appears to qualify for the exemption prior to issuing the building permit.

6. ***Who must sign the affidavit?***

The affidavit must be signed by the owner of the property on which the building is being constructed. An individual who is or will be occupying the structure but who does not have an ownership interest in the property cannot sign the affidavit. If the property is owned by a firm or corporation (including a unit of local government), the person submitting the affidavit must be legally authorized to act on the entity's behalf.

7. ***If the property is owned by multiple individuals (not a firm or corporation), do all property owners have to sign the affidavit?***

The new law is not clear on this point. The language of G.S. 87-14(a)(1)a. does not specifically require *all* individual property owners to sign the affidavit, so it is reasonable to assume that the affidavit may be signed by only one of the property owners. For example, if the property is jointly owned by a husband and wife, the affidavit does not have to be signed by both spouses and may be signed by either the husband *or* the wife. However, if the husband *and* the wife sign the affidavit, then *they both* must personally supervise the building project *and* be personally present at all building inspections (unless the plans were drawn and sealed by a licensed architect).

8. ***If the property is owned by a firm or corporation, do all partners in the firm or corporation have to sign the affidavit?***

No. The new law is clear on this point, and only requires the affidavit to be executed by a person who has legal authority to act on behalf of the firm or corporation (including a unit of local government). It would be wise for the person who is acting on behalf of the firm or corporation to have this legal authority in writing.

9. ***If the property is owned by an individual, can that individual authorize someone else to sign the affidavit on his behalf?***

No. G.S. 87-14(a)(1)a. specifically requires the person submitting the affidavit to attest that he or she owns the property on which the building is being altered or constructed. Only in the case of property owned by a firm or corporation (including a unit of local government) can an individual be authorized to act on the property owner's behalf.



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10. Is a form affidavit available?

Yes. A form affidavit has been developed by the UNC School of Government and has been approved by the North Carolina Licensing Board for General Contractors. A copy of the form affidavit is available on the SOG's website at <http://dailybulletin.unc.edu/summaries11/category18.html>.

11. What does the building inspector do with the affidavit?

The building inspector must transmit a copy of the affidavit to the North Carolina Licensing Board for General Contractors for verification that the property owner is validly entitled to claim the exemption under G.S. 87-1(b)(2).

12. What kind of review does the Licensing Board conduct?

The Licensing Board is required to review the affidavit to verify that the property owner was validly entitled to claim the exemption under G.S. 87-1(b)(2).

13. What is the time frame for the Licensing Board's determination?

The new law does not specify the time frame within which the Licensing Board must render a determination as to the property owner's eligibility to claim the exemption under G.S. 87-1(b)(2).

14. Must the building inspector wait for a determination from the Licensing Board before issuing the building permit?

No. The new law does not require the building inspector to delay issuing the building permit pending the Licensing Board's review of the affidavit submitted by the property owner. In fact, if the affidavit appears valid when presented to the building inspector and, based on the information contained in the affidavit along with other information the building inspector might request, the owner appears to be eligible for the exemption, the building inspector does not have a valid legal basis to delay issuing the building permit if all other permit requirements have been met. A local building inspector may ask questions, require the property owner to fill out a questionnaire or form, or request additional information in determining whether the property owner appears to qualify for the exemption prior to issuing the building permit.

15. What happens if the Licensing Board determines that the owner is not eligible for the owner-contractor exemption?

If the Board determines that the property owner is not eligible for the exemption under G.S. 87-1(b)(2), the Board will notify the building inspector of its determination and the building inspector is required to revoke the building permit pursuant to either G.S. 153A-362 (for counties) or G.S. 160A-422 (for cities).

16. What does the property owner do if his building permit is revoked?

If a building permit is revoked, all construction activity must cease. In addition, other permits obtained under state or local laws applicable to the project also may be revoked. The property owner then has three choices: (1) modify his circumstances to become



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eligible for the exemption; (2) hire a licensed general contractor to superintend the project; or (3) abandon the project altogether. Any resumption of construction activity on the project will require the issuance of a new building permit (and perhaps other permits applicable to the project).

17. Does the property owner have to be present at all building inspections?

Yes. One of the facts to which the property owner (or person legally authorized to act on behalf of the firm or corporation owning the property) must attest in the affidavit is that he or she will be personally present at all building inspections required by the North Carolina State Building Code. If the person who executed the affidavit is not personally present, the building inspector is not allowed to conduct the inspection. This requirement does not apply if the plans for the building were drawn and sealed by a licensed architect.

18. Can the property owner delegate the responsibility of supervising the building project to someone else?

No. One of the facts to which the property owner (or person legally authorized to act on behalf of the firm or corporation owning the property) must attest in the affidavit is that he or she will personally superintend and manage all aspects of the alteration or construction of the building and will not delegate this duty to any other person who is not a general contractor licensed in this state. If the person who executed the affidavit becomes unwilling or unable to personally supervise the project once construction has started, he or she can *only* delegate this responsibility to a general contractor licensed in this state.

19. Are there any penalties for violating the new law?

Yes. If the Licensing Board determines that the property owner was not eligible for the exemption under G.S. 87-1(b)(2), the building inspector must revoke the building permit pursuant to either G.S. 153A-362 (for counties) or G.S. 160A-422 (for cities). If the building construction does not cease or resumes without complying with applicable state laws, G.S. 87-13.1 authorizes the Licensing Board to apply to Superior Court for a restraining order and injunction to stop further construction activity, and the court may order the property owner to pay for the Board's reasonable costs associated with investigating and prosecuting the violation. Continued construction activity by the property owner may also constitute a violation of the requirements of G.S. 87-1, which is punishable as a Class 2 misdemeanor. In addition, swearing falsely on the affidavit (perjury) is also a criminal offense punishable as a Class F felony. (G.S. 14-209)

20. If I have any questions or need more information, who can I contact?

General questions about the new law:	General contractor licensure:	Building code enforcement:
UNC School of Government Norma Houston nhouston@sog.unc.edu Rich Ducker ducker@sog.unc.edu	North Carolina Licensing Board for General Contractors (919) 571-4183	N.C. Department of Insurance Office of State Fire Marshall Engineering Division (919) 661-5880



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Catawba County Permitting Center Unlicensed General Contractor Questionnaire

** Please answer the following questions by writing in your initials next to the yes or no.*

1. Does the entire cost of the building project that you are applying for, including the price for all building, plumbing, mechanical and electrical materials and labor, equal or exceed \$30,000?

☐ Yes. Go to question 2.

☐ No. Please print your name, sign and date this form and turn into Permit Center with your building permit application.

2. Do you own the land on which this building will be constructed or altered? (Deeded ownership for the property must be the same name as building owner. If you are renting the building to yourself please answer No to this question.)

☐ Yes. Go to question 3.

☐ No. You are not eligible for a building permit under the N.C.G.S. 87-1 "owner's exception".

3. Have you hired, or do you intend to hire an individual to superintend and manage construction of the project?

☐ Yes. You are not eligible for a building permit under the N.C.G.S. 87-1 "owner's exception".

☐ No. Go to question 4.

4. Do you intend to directly control and supervise construction activities?

☐ Yes. Go to question 5.

☐ No. You are not eligible for a building permit under the N.C.G.S. 87-1 "owner's exception".

5. Do you intend to schedule, contract with, and directly pay for all phases of construction work to be done?

☐ Yes. Go to question 6.

☐ No. You are not eligible for a building permit under the N.C.G.S. 87-1 "owner's exception".

6. Do you intend to personally order building supplies and materials for the project for which the building permit is sought?

☐ Yes. Go to question 7.

☐ No. You are not eligible for a building permit under the N.C.G.S. 87-1 "owner's exception".

7. Do you intend to schedule and be present for scheduled inspections?

☐ Yes. Go to question 8.

☐ No. You are not eligible for a building permit under the N.C.G.S. 87-1 "owner's exception".

8. Do you understand that you are responsible for compliance with all applicable federal, state and local laws and requirements, including but not limited to: the State Building Code, Sedimentation Control Act requirements, and solid and hazardous waste disposal requirements?

☐ Yes. Go to question 9.

☐ No. You are not eligible for a building permit under the N.C.G.S. 87-1 "owner's exception".

9. Do you intend to personally occupy the building for at least 12 consecutive months following completion of construction, meaning no intent to sell, rent or lease any part or all of the building and do you understand that if you do not do so, it creates the presumption under law that you fraudulently secured the building permit?

☐ Yes. You are entitled to a permit under the owner's exception. Please print your name, sign and date this form and turn into Permit Center with your building permit application.

☐ No. You are not eligible for a building permit under the N.C.G.S. 87-1 "owner's exception".

Print Name _____ Signature _____ Date _____



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STATE OF NORTH CAROLINA

OWNER EXEMPTION AFFIDAVIT
PURSUANT TO G.S. 87-14 (a) (1)

COUNTY OF CATAWBA

Catawba County Building Services Division - Inspection Department

Parcel Identification Number and address where the building is to be constructed: PIN 462801073807

Address 9035 GARRISON RD, SHERRILLS FORD NC

Type of construction: ☐ Residential ☐ Commercial ☐ Industrial ☐ Other

Intended use after completion (e.g. Personal residence): _____

Building permit number associated with this application: _____

I, _____ (Print Full Name) _____ (Phone Number)

hereby claim exemption from licensure under G.S. 87-1(b)(2) by initialing the relevant provision in paragraph 1 and initialing paragraphs 2-5 below attesting to the following:

1. _____ I certify I am the owner of the property set forth above on which a building is to be constructed or altered and for which application for a building permit is hereby made;
OR
_____ I am legally authorized to act on behalf of the firm or corporation that is constructing or altering this building on the property owned by the firm or corporation as set forth above:

(Name of Firm or Corporation)
2. _____ I will personally superintend and manage all aspects of the construction or alteration of the building and that duty will not be delegated to any person not duly licensed under the terms of Article 1, Chapter 87 of the General Statutes of North Carolina.
3. _____ I will be on site regularly during construction and I will be personally present for all inspections required by the North Carolina State Building Code, unless the plans for the construction or alteration of the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes of North Carolina.
4. _____ I understand that by executing this licensing exemption AFFIDAVIT pursuant to G.S. 87-1(b)(2), I am required by law to occupy the building for which the licensing exemption is granted for twelve months after completion, during which time it may not be offered for rent, lease or sale.
5. _____ I understand a copy of this AFFIDAVIT will be transmitted to the North Carolina Licensing Board for General Contractors for verification I am validly entitled to claim an exemption under G.S. 87-1(b)(2) for the building construction or alteration specified herein. I further understand if the North Carolina Licensing Board for General Contractors determines I am not entitled to claim this exemption the building permit issued for the construction or alteration specified herein shall be revoked pursuant to G.S. 153A-362 or G.S. 160A-422.

(Signature of Affiant) _____ (Date)

Sworn or affirmed and subscribed before me this the _____ day of _____, 20____

(Signature of Notary Public) _____ (Notary Stamp or Seal)

(Printed Name of Notary Public)

(NOTE: It is a class F felony to willfully commit perjury in any affidavit taken pursuant to NC G.S. 14-209)



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