

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**SENATE BILL 695\***

Short Title: Adopt International Building Code.-AB (Public)

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Sponsors: Senators Clodfelter; Hoyle and Kinnaird.

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Referred to: Commerce, Small Business and Entrepreneurship.

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March 13, 2007

A BILL TO BE ENTITLED

1 AN ACT TO ADOPT THE INTERNATIONAL BUILDING CODE AS THE STATE  
2 BUILDING CODE AND TO EXPEDITE DECISIONS OF THE BUILDING  
3 CODE COUNCIL.  
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 143-138(a) reads as rewritten:

7 "(a) ~~Preparation and Adoption. —The Building Code Council may prepare and~~  
8 ~~adopt, in accordance with the provisions of this Article, a North Carolina State Building~~  
9 ~~Code. Before the adoption of the Code, or any part of the Code, the Council shall hold~~  
10 ~~at least one public hearing. A notice of the public hearing shall be published in the~~  
11 ~~North Carolina Register at least 15 days before the date of the hearing. The North~~  
12 ~~Carolina State Building Code shall be adopted by reference with limited amendments as~~  
13 ~~defined in subsection (d) of this section, from the most current edition of the~~  
14 ~~International Code Council's International Building Code. Notwithstanding~~  
15 ~~G.S. 150B-2(8a)h., the North Carolina State Building Code as adopted by the Building~~  
16 ~~Code Council is a rule within the meaning of G.S. 150B-2(8a) and shall be adopted in~~  
17 ~~accordance with the procedural requirements of Article 2A of Chapter 150B of the~~  
18 ~~General Statutes.~~

19 The Building Code Council shall request the Office of State Budget and  
20 Management to prepare a fiscal note for a proposed Code change that has a substantial  
21 economic impact, as defined in G.S. 150B-21.4(b1), or that increases the cost of  
22 residential housing by eighty dollars (\$80.00) or more per housing unit. The change can  
23 become effective only in accordance with G.S. 143-138(d). Neither the Department of  
24 Insurance nor the Council shall be required to expend any monies to pay for the  
25 preparation of any fiscal note under this section by any person outside of the  
26 Department or Council unless the Department or Council contracts with a third-party  
27 vendor to prepare the fiscal note."

28 **SECTION 2.** G.S. 143-138(b) reads as rewritten:

1       "~~(b) Contents of the Code. – The North Carolina State Building Code, as adopted~~  
2 ~~by the Building Code Council, may include reasonable and suitable classifications of~~  
3 ~~buildings and structures, both as to use and occupancy; general building restrictions as~~  
4 ~~to location, height, and floor areas; rules for the lighting and ventilation of buildings and~~  
5 ~~structures; requirements concerning means of egress from buildings and structures;~~  
6 ~~requirements concerning means of ingress in buildings and structures; rules governing~~  
7 ~~construction and precautions to be taken during construction; rules as to permissible~~  
8 ~~materials, loads, and stresses; rules governing chimneys, heating appliances, elevators,~~  
9 ~~and other facilities connected with the buildings and structures; rules governing~~  
10 ~~plumbing, heating, air conditioning for the purpose of comfort cooling by the lowering~~  
11 ~~of temperature, and electrical systems; and such other reasonable rules pertaining to the~~  
12 ~~construction of buildings and structures and the installation of particular facilities~~  
13 ~~therein as may be found reasonably necessary for the protection of the occupants of the~~  
14 ~~building or structure, its neighbors, and members of the public at large.~~

15       ~~In addition, the Code may regulate activities and conditions in buildings, structures,~~  
16 ~~and premises that pose dangers of fire, explosion, or related hazards. Such fire~~  
17 ~~prevention code provisions shall be considered the minimum standards necessary to~~  
18 ~~preserve and protect public health and safety, subject to approval by the Council of~~  
19 ~~more stringent provisions proposed by a municipality or county as provided in~~  
20 ~~G.S. 143-138(e). These provisions may include regulations requiring the installation of~~  
21 ~~either battery operated or electrical smoke detectors in every dwelling unit used as~~  
22 ~~rental property, regardless of the date of construction of the rental property. For~~  
23 ~~dwelling units used as rental property constructed prior to 1975, smoke detectors shall~~  
24 ~~have an Underwriters' Laboratories, Inc., listing or other equivalent national testing~~  
25 ~~laboratory approval, and shall be installed in accordance with either the standard of the~~  
26 ~~National Fire Protection Association or the minimum protection designated in the~~  
27 ~~manufacturer's instructions, which the property owner shall retain or provide as proof of~~  
28 ~~compliance.~~

29       The North Carolina State Building Code shall contain the following codes adopted  
30 by reference from the International Code Council:

- 31           (1) The International Building Code.
- 32           (2) The International Plumbing Code.
- 33           (3) The International Mechanical Code.
- 34           (4) The International Fuel Gas Code.
- 35           (5) The International Energy Conservation Code.
- 36           (6) The International Fire Prevention Code.
- 37           (7) The International Electric Code.

38       The Code may contain provisions regulating every type of building or structure,  
39 wherever it might be situated in the State.

40       Provided further, that nothing in this Article shall be construed to make any building  
41 rules applicable to farm buildings located outside the building-rules jurisdiction of any  
42 municipality.

43       Provided further, that no building permit shall be required under the Code or any  
44 local variance thereof approved under subsection (e) for any construction, installation,

1 repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any  
2 single family residence or farm building unless the work involves: the addition, repair,  
3 or replacement of load bearing structures; the addition (excluding replacement of same  
4 size and capacity) or change in the design of plumbing; the addition, replacement or  
5 change in the design of heating, air conditioning, or electrical wiring, devices,  
6 appliances, or equipment, the use of materials not permitted by the North Carolina  
7 Uniform Residential Building Code; or the addition (excluding replacement of like  
8 grade of fire resistance) of roofing.

9 Provided further, that no building permit shall be required under such Code from any  
10 State agency for the construction of any building or structure, the total cost of which is  
11 less than twenty thousand dollars (\$20,000), except public or institutional buildings.

12 For the information of users thereof, the Code shall include as appendices

- 13 (1) Any rules governing boilers adopted by the Board of Boiler and  
14 Pressure Vessels Rules,
- 15 (2) Any rules relating to the safe operation of elevators adopted by the  
16 Commissioner of Labor, and
- 17 (3) Any rules relating to sanitation adopted by the Commission for Health  
18 Services which the Building Code Council believes pertinent.

19 In addition, the Code may include references to such other rules of special types,  
20 such as those of the Medical Care Commission and the Department of Public Instruction  
21 as may be useful to persons using the Code. No rule issued by any agency other than the  
22 Building Code Council shall be construed as a part of the Code, nor supersede that  
23 Code, it being intended that they be presented with the Code for information only.

24 Nothing in this Article shall extend to or be construed as being applicable to the  
25 regulation of the design, construction, location, installation, or operation of (1)  
26 equipment for storing, handling, transporting, and utilizing liquefied petroleum gases  
27 for fuel purposes or anhydrous ammonia or other liquid fertilizers, except for liquefied  
28 petroleum gas from the outlet of the first stage pressure regulator to and including each  
29 liquefied petroleum gas utilization device within a building or structure covered by the  
30 Code, or (2) equipment or facilities, other than buildings, of a public utility, as defined  
31 in G.S. 62-3, or an electric or telephone membership corporation, including without  
32 limitation poles, towers, and other structures supporting electric or communication  
33 lines.

34 In addition, the Code may contain rules concerning minimum efficiency  
35 requirements for replacement water heaters, which shall consider reasonable availability  
36 from manufacturers to meet installation space requirements.

37 No State, county, or local building code or regulation shall prohibit the use of special  
38 locking mechanisms for seclusion rooms in the public schools approved under  
39 G.S. 115C-391.1(e)(1)e., provided that the special locking mechanism shall be  
40 constructed so that it will engage only when a key, knob, handle, button, or other similar  
41 device is being held in position by a person, and provided further that, if the mechanism  
42 is electrically or electronically controlled, it automatically disengages when the  
43 building's fire alarm is activated. Upon release of the locking mechanism by a  
44 supervising adult, the door must be able to be opened readily."

SECTION 3. G.S. 143-138(c) reads as rewritten:

"(c) Standards to Be Followed in Adopting the Code. – All regulations contained in the North Carolina State Building Code shall have a reasonable and substantial connection with the public health, safety, morals, or general welfare, and their provisions shall be construed reasonably to those ends. Requirements of the Code shall conform to good engineering practice. The Council ~~may use as guidance, but is not required to adopt,~~ shall adopt the requirements of the International Building Code of the International Code Council, the Standard Building Code of the Southern Building Code Congress International, Inc., the Uniform Building Code of the International Conference of Building Officials, the National Building Code of the Building Officials and Code Administrators, Inc., the National Electric Code, the Life Safety Code, the National Fuel Gas Code, the Fire Prevention Code of the National Fire Protection Association, the Safety Code for Elevators and Escalators, and the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, and standards promulgated by the American National Standards Institute, Standards Underwriters' Laboratories, Inc., and similar national or international agencies engaged in research concerning strength of materials, safe design, and other factors bearing upon health and safety. Council."

SECTION 4. G.S. 143-138(d) reads as rewritten:

"(d) Amendments of the Code. – The Building Code Council ~~may~~ shall not revise and or 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. Code except to (i) adopt limited amendments, (ii) conform administrative procedures in Chapter 1 of the International Building Code to North Carolina rules, or (iii) conform accessibility provisions in Chapter 11 of the International Building Code to the North Carolina State Building Code, Accessibility Code, 2002 Edition. In adopting any amendment, the Council shall comply with the same procedural requirements and the same standards set forth above for adoption of the Code. As used in this subsection, "limited amendments" means amendments that are required to make the Code consistent with State law."

SECTION 5. G.S. 143-138(g) reads as rewritten:

"(g) Publication and Distribution of Code. – The Building Code Council shall cause to be printed, after adoption by the Council, the North Carolina State Building Code and each amendment the administrative section thereto. It shall, at the State's expense, distribute copies of the Code and each amendment to State and local governmental officials, departments, agencies, and educational institutions, as is set out in the table below. (Those marked by an asterisk will receive copies only on written request to the Council.)

OFFICIAL OR AGENCY	NUMBER OF COPIES
State Departments and Officials	
Governor .....	1
Lieutenant Governor .....	1
Auditor .....	1
Treasurer .....	1

1	Secretary of State .....	1
2	Superintendent of Public Instruction .....	1
3	Attorney General (Library) .....	1
4	Commissioner of Agriculture .....	1
5	Commissioner of Labor .....	1
6	Commissioner of Insurance .....	1
7	Department of Environment and	
8	Natural Resources .....	1
9	Department of Health and Human Services .....	1
10	Office of Juvenile Justice .....	1
11	Board of Transportation .....	1
12	Utilities Commission .....	1
13	Department of Administration .....	1
14	Clerk of the Supreme Court .....	1
15	Clerk of the Court of Appeals .....	1
16	Department of Cultural Resources [State	
17	Library] .....	1
18	Supreme Court Library .....	1
19	Legislative Library .....	1
20	Schools	
21	All state-supported colleges and universities	
22	in the State of North Carolina .....	* 1 each
23	Local Officials	
24	Clerks of the Superior Courts .....	1 each
25	Chief Building Inspector of each incorporated	
26	municipality or county .....	1

27  
 28       In addition, the Building Code Council shall make additional copies available at  
 29 such price as it shall deem reasonable to members of the general public. The proceeds  
 30 from sales of the Building Code shall be credited to the Insurance Regulatory Fund  
 31 under G.S. 58-6-25."

32       **SECTION 6.** G.S. 143-141(a) reads as rewritten:

33       "(a) Method of Appeal. – Whenever any person desires to take an appeal to the  
 34 Building Code Council from the decision of a State enforcement agency relating to any  
 35 matter under this Article or under the North Carolina State Building Code, he shall  
 36 within 30 days after such decision give written notice to the Building Code Council  
 37 through the Division of Engineering of the Department of Insurance that he desires to  
 38 take an appeal. A copy of such notice shall be filed at the same time with the  
 39 enforcement agency from which the appeal is taken. The chairman of the Building Code  
 40 Council shall fix a reasonable time and place for a hearing, giving reasonable notice to  
 41 the appellant and to the enforcement agency. Such hearing shall be not later than the  
 42 next regular meeting of the Council. The Building Code Council shall thereupon  
 43 conduct a full and complete hearing as to the matters in ~~controversy, after which it shall~~  
 44 ~~within a reasonable time give~~ controversy. Within 30 business days after the completion

1 of the hearing, the Council shall issue a written decision setting forth its findings of fact  
2 and its conclusions."

3           **SECTION 7.** Sections 1 through 5 of this act become effective October 1,  
4 2007, and apply to permits issued on or after that date. The remainder of this act is  
5 effective when it becomes law.