

1 cooling by the lowering of temperature, and electrical systems; and such other reasonable rules
2 pertaining to the construction of buildings and structures and the installation of particular
3 facilities therein as may be found reasonably necessary for the protection of the occupants of
4 the building or structure, its neighbors, and members of the public at large.

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

18 The Code may contain provisions requiring the installation of either battery-operated or
19 electrical carbon monoxide detectors in every dwelling unit having a fossil-fuel burning heater
20 or appliance, fireplace, or an attached garage. Carbon monoxide detectors shall be those listed
21 by a nationally recognized testing laboratory that is OSHA-approved to test and certify to
22 American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or
23 ANSI/UL2075 and shall be installed in accordance with either the standard of the National Fire
24 Protection Association or the minimum protection designated in the manufacturer's
25 instructions, which the property owner shall retain or provide as proof of compliance. A carbon
26 monoxide detector may be combined with smoke detectors if the combined detector does both
27 of the following: (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide
28 alarms and ANSI/UL217 for smoke detectors; and (ii) emits an alarm in a manner that clearly
29 differentiates between detecting the presence of carbon monoxide and the presence of smoke.

30 ~~The Except as provided by subsection (c1) of this section, the~~ Code may contain provisions
31 regulating every type of building or structure, wherever it might be situated in the State.

32 Provided further, that building rules do not apply to (i) farm buildings that are located
33 outside the building-rules jurisdiction of any municipality, or (ii) farm buildings that are located
34 inside the building-rules jurisdiction of any municipality if the farm buildings are greenhouses.
35 A "greenhouse" is a structure that has a glass or plastic roof, has one or more glass or plastic
36 walls, has an area over ninety-five percent (95%) of which is used to grow or cultivate plants, is
37 built in accordance with the National Greenhouse Manufacturers Association Structural Design
38 manual, and is not used for retail sales. Additional provisions addressing distinct life safety
39 hazards shall be approved by the local building-rules jurisdiction.

40 Provided further, that no building permit shall be required under the Code or any local
41 variance thereof approved under subsection (e) for any construction, installation, repair,
42 replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family
43 residence or farm building unless the work involves: the addition, repair, or replacement of load
44 bearing structures; the addition (excluding replacement of same size and capacity) or change in
45 the design of plumbing; the addition, replacement or change in the design of heating, air
46 conditioning, or electrical wiring, devices, appliances, or equipment, the use of materials not
47 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
48 replacement of like grade of fire resistance) of roofing.

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

1 For the information of users thereof, the Code shall include as appendices [the following:]

- 2 (1) Any rules governing boilers adopted by the Board of Boiler and Pressure
3 Vessels Rules,
- 4 (2) Any rules relating to the safe operation of elevators adopted by the
5 Commissioner of Labor, and
- 6 (3) Any rules relating to sanitation adopted by the Commission for Public
7 Health which the Building Code Council believes pertinent.

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

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

22 Nothing in this Article shall extend to or be construed as being applicable to the regulation
23 of the design, construction, location, installation, or operation of industrial machinery.
24 However, if during the building code inspection process, an electrical inspector has any
25 concerns about the electrical safety of a piece of industrial machinery, the electrical inspector
26 may refer that concern to the Occupational Safety and Health Division in the North Carolina
27 Department of Labor but shall not withhold the certificate of occupancy nor mandate
28 third-party testing of the industrial machinery based solely on this concern. For the purposes of
29 this paragraph, "industrial machinery" means equipment and machinery used in a system of
30 operations for the explicit purpose of producing a product. The term does not include
31 equipment that is permanently attached to or a component part of a building and related to
32 general building services such as ventilation, heating and cooling, plumbing, fire suppression or
33 prevention, and general electrical transmission.

34 In addition, the Code may contain rules concerning minimum efficiency requirements for
35 replacement water heaters, which shall consider reasonable availability from manufacturers to
36 meet installation space requirements and may contain rules concerning energy efficiency that
37 require all hot water plumbing pipes that are larger than one-fourth of an inch to be insulated.

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

46 **SECTION 2.(b)** G.S. 143-138 is amended by adding a new subsection to read:

47 "(c1) Place of Worship Exemption. – The North Carolina State Building Code and the
48 standards under this Article do not apply to the installation and maintenance of limited use or
49 limited access hydraulic elevators in a place of worship having less than 1,000 members in the
50 body of worshipers to be served by the building or facility. For the purposes of this section, a
51 'place of worship' is a place used primarily for religious rituals or religious observance within

1 any building or facility owned and operated by a religious organization. A nonreligious entity
2 that leases space from a religious organization is not exempt under this subsection."

3 **SECTION 2.(c)** G.S. 143-138(e) reads as rewritten:

4 "(e) Effect upon Local Codes. —~~The~~ Except as otherwise provided in this section, the
5 North Carolina State Building Code shall apply throughout the State, from the time of its
6 adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3. However,
7 any political subdivision of the State may adopt a fire prevention code and floodplain
8 management regulations within its jurisdiction. The territorial jurisdiction of any municipality
9 or county for this purpose, unless otherwise specified by the General Assembly, shall be as
10 follows: Municipal jurisdiction shall include all areas within the corporate limits of the
11 municipality and extraterritorial jurisdiction areas established as provided in G.S. 160A-360 or
12 a local act; county jurisdiction shall include all other areas of the county. No such code or
13 regulations, other than floodplain management regulations and those permitted by
14 G.S. 160A-436, shall be effective until they have been officially approved by the Building
15 Code Council as providing adequate minimum standards to preserve and protect health and
16 safety, in accordance with the provisions of subsection (c) above. Local floodplain regulations
17 may regulate all types and uses of buildings or structures located in flood hazard areas
18 identified by local, State, and federal agencies, and include provisions governing substantial
19 improvements, substantial damage, cumulative substantial improvements, lowest floor
20 elevation, protection of mechanical and electrical systems, foundation construction, anchorage,
21 acceptable flood resistant materials, and other measures the political subdivision deems
22 necessary considering the characteristics of its flood hazards and vulnerability. In the absence
23 of approval by the Building Code Council, or in the event that approval is withdrawn, local fire
24 prevention codes and regulations shall have no force and effect. Provided any local regulations
25 approved by the local governing body which are found by the Council to be more stringent than
26 the adopted statewide fire prevention code and which are found to regulate only activities and
27 conditions in buildings, structures, and premises that pose dangers of fire, explosion or related
28 hazards, and are not matters in conflict with the State Building Code, shall be approved. Local
29 governments may enforce the fire prevention code of the State Building Code using civil
30 remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of
31 Insurance or other State official with responsibility for enforcement of the Code institutes a
32 civil action pursuant to G.S. 143-139, a local government may not institute a civil action under
33 G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the
34 assessment or imposition of such civil remedies shall be as provided in G.S. 160A-434.

35 A local government may not adopt any ordinance in conflict with the exemption for places
36 of worship provided by subsection (c1) of this section. No local ordinance or regulation shall be
37 construed to limit the exception provided by subsection (c1) of this section."

38 **SECTION 3.** Nothing in this act shall be construed to limit the authority of the
39 North Carolina Department of Labor to perform safety inspections of hydraulic elevators.

40 **SECTION 4.** This act is effective when it becomes law.