

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1393*

Short Title: Fire Code Enforcement.

(Public)

Sponsors: Representatives Fitch, Barnes, Cunningham, Howard, Sam Hunt, McLaughlin, Payne, H. Hunter; Blue, Albertson, Barnhill, Beard, Black, Bowen, Bowie, Bowman, Brown, Buchanan, Chapin, Colton, N. J. Crawford, Dawkins, Decker, DeVane, Diamont, Easterling, Ethridge, Fletcher, Fussell, Gamble, Gottovi, Green, Greenwood, Hackney, Hardaway, Hensley, R. Hunter, Jeffus, Justus, Kennedy, Lilley, Lineberry, Luebke, McAllister, McLawhorn, Mercer, Michaux, Miller, Nesbitt, Oldham, Redwine, Stamey, Stewart, Wainwright, Warner, and Wicker.

Referred to: Courts, Justice, Constitutional Amendments and Referenda.

May 28, 1992

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE ENFORCEMENT OF THE BUILDING CODE BY A
2 MUNICIPALITY IN ITS EXTRATERRITORIAL JURISDICTION AND TO
3 PROVIDE FOR APPOINTMENTS TO THE BUILDING CODE COUNCIL.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143-138(e) reads as rewritten:

7 "(e) Effect upon Local Codes. – The North Carolina State Building Code shall
8 apply throughout the State, from the time of its adoption. However, any political
9 subdivision of the State may adopt a building code or building rules and regulations
10 governing construction or a fire prevention code within its jurisdiction. The territorial
11 jurisdiction of any municipality or county for this purpose, unless otherwise specified
12 by the General Assembly, shall be as follows: Municipal jurisdiction shall include all
13 areas within the corporate limits of the ~~municipality~~; municipality and extraterritorial
14 jurisdiction areas established as provided in G.S. 160A-360 or a local act; county
15 jurisdiction shall include all other areas of the county. No such code or regulations,
16 other than those permitted by G.S. 160A-436, shall be effective until they have been
17 officially approved by the Building Code Council as providing adequate minimum
18 standards to preserve and protect health and safety, in accordance with the provisions of

1 subsection (c) above. While it remains effective, such approval shall be taken as
2 conclusive evidence that a local code or local regulations supersede the State Building
3 Code in its particular political subdivision. Whenever the Building Code Council
4 adopts an amendment to the State Building Code, it shall consider any previously
5 approved local regulations dealing with the same general matters, and it shall have
6 authority to withdraw its approval of any such local code or regulations unless the local
7 governing body makes such appropriate amendments to that local code or regulations as
8 it may direct. In the absence of approval by the Building Code Council, or in the event
9 that approval is withdrawn, local codes and regulations shall have no force and effect.
10 Provided any local regulations approved by the local governing body which are found
11 by the Council to be more stringent than the adopted statewide fire prevention code and
12 which are found to regulate only activities and conditions in buildings, structures, and
13 premises that pose dangers of fire, explosion or related hazards, and are not matters in
14 conflict with the State Building Code, shall be approved."

15 Sec. 2. G.S. 143-136(a) reads as rewritten:

16 "(a) Creation; Membership; Terms. – There is hereby created a Building Code
17 Council, which shall be composed of ~~13~~15 members appointed by the Governor,
18 consisting of one registered architect, one licensed general contractor, one registered
19 architect or licensed general contractor specializing in residential design or construction,
20 one registered engineer practicing structural engineering, one registered engineer
21 practicing mechanical engineering, one registered engineer practicing electrical
22 engineering, one licensed plumbing and heating contractor, one municipal or county
23 building inspector, one licensed liquid petroleum gas dealer/contractor involved in the
24 design of natural and liquid petroleum gas systems who has expertise and experience in
25 natural and liquid petroleum gas piping, venting and appliances, a representative of the
26 public who is not a member of the building construction industry, a licensed electrical
27 contractor, a registered engineer on the engineering staff of a State agency charged with
28 approval of plans of State-owned buildings, a municipal elected official or city manager,
29 a county commissioner or county manager, and an active member of the North Carolina
30 fire service with expertise in fire safety. Of the members initially appointed by the
31 Governor, three shall serve for terms of two years each, three shall serve for terms of
32 four years each, and three shall serve for terms of six years each. Thereafter, all
33 appointments shall be for terms of six years. The Governor may remove appointive
34 members at any time. Neither the architect nor any of the above named engineers shall
35 be engaged in the manufacture, promotion or sale of any building material, and any
36 member who shall, during his term, cease to meet the qualifications for original
37 appointment (through ceasing to be a practicing member of the profession indicated or
38 otherwise) shall thereby forfeit his membership on the Council. In making new
39 appointments or filling vacancies, the Governor shall ensure that minorities and women
40 are represented on the Council.

41 The Governor may make appointments to fill the unexpired portions of any terms
42 vacated by reason of death, resignation, or removal from office. In making such
43 appointment, he shall preserve the composition of the Council required above."

44 Sec. 3. This act is effective upon ratification.