

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 861*

Short Title: Adopt International Building Code.

(Public)

Sponsors: Senators Clodfelter and Hoyle.

Referred to: Commerce.

April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO ADOPT THE INTERNATIONAL BUILDING CODE AS THE STATE
2 BUILDING CODE.
3

4 The General Assembly of North Carolina enacts:

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

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

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

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

27 "(b) ~~Contents of the Code. — The North Carolina State Building Code, as adopted~~
28 ~~by the Building Code Council, may include reasonable and suitable classifications of~~
29 ~~buildings and structures, both as to use and occupancy; general building restrictions as~~

1 to location, height, and floor areas; rules for the lighting and ventilation of buildings and
2 structures; requirements concerning means of egress from buildings and structures;
3 requirements concerning means of ingress in buildings and structures; rules governing
4 construction and precautions to be taken during construction; rules as to permissible
5 materials, loads, and stresses; rules governing chimneys, heating appliances, elevators,
6 and other facilities connected with the buildings and structures; rules governing
7 plumbing, heating, air conditioning for the purpose of comfort cooling by the lowering
8 of temperature, and electrical systems; and such other reasonable rules pertaining to the
9 construction of buildings and structures and the installation of particular facilities
10 therein as may be found reasonably necessary for the protection of the occupants of the
11 building or structure, its neighbors, and members of the public at large.

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

- 27 (1) The International Building Code.
- 28 (2) The International Plumbing Code.
- 29 (3) The International Mechanical Code.
- 30 (4) The International Fuel Gas Code.
- 31 (5) The International Energy Conservation Code.
- 32 (6) The International Fire Prevention Code.
- 33 (7) The International Electric Code.

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

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

39 Provided further, that no building permit shall be required under the Code or any
40 local variance thereof approved under subsection (e) for any construction, installation,
41 repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any
42 single family residence or farm building unless the work involves: the addition, repair,
43 or replacement of load bearing structures; the addition (excluding replacement of same
44 size and capacity) or change in the design of plumbing; the addition, replacement or

1 change in the design of heating, air conditioning, or electrical wiring, devices,
2 appliances, or equipment, the use of materials not permitted by the North Carolina
3 Uniform Residential Building Code; or the addition (excluding replacement of like
4 grade of fire resistance) of roofing.

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

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

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

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

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

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

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

34 "(c) Standards to Be Followed in Adopting the Code. – All regulations contained
35 in the North Carolina State Building Code shall have a reasonable and substantial
36 connection with the public health, safety, morals, or general welfare, and their
37 provisions shall be construed reasonably to those ends. Requirements of the Code shall
38 conform to good engineering practice. The Council ~~may use as guidance, but is not~~
39 ~~required to adopt, shall adopt~~ the requirements of the International Building Code of the
40 International Code Council, ~~the Standard Building Code of the Southern Building Code~~
41 ~~Congress International, Inc., the Uniform Building Code of the International Conference~~
42 ~~of Building Officials, the National Building Code of the Building Officials and Code~~
43 ~~Administrators, Inc., the National Electric Code, the Life Safety Code, the National Fuel~~
44 ~~Gas Code, the Fire Prevention Code of the National Fire Protection Association, the~~

1 ~~Safety Code for Elevators and Escalators, and the Boiler and Pressure Vessel Code of~~
 2 ~~the American Society of Mechanical Engineers, and standards promulgated by the~~
 3 ~~American National Standards Institute, Standards Underwriters' Laboratories, Inc., and~~
 4 ~~similar national or international agencies engaged in research concerning strength of~~
 5 ~~materials, safe design, and other factors bearing upon health and safety. Council."~~

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

7 "(d) Amendments of the Code. – The Building Code Council ~~may~~ shall not revise
 8 and amend the North Carolina State Building Code, ~~either on its own motion or upon~~
 9 ~~application from any citizen, State agency, or political subdivision of the State. Code~~
 10 other than to conform administrative procedures in Chapter 1 of the International
 11 Building Code to North Carolina regulations and to conform accessibility provisions in
 12 Chapter 11 of the International Building Code to the North Carolina State Building
 13 Code, Accessibility Code, 2002 Edition. In adopting any administrative amendment, the
 14 Council shall comply with the same procedural requirements and the same standards set
 15 forth above for adoption of the Code.

16 ~~Handbooks providing explanatory material on Code provisions shall be provided no~~
 17 ~~later than January 1, 2000, and shall be updated with each revision of the Code or, in the~~
 18 ~~discretion of the Council, more frequently. The Department may charge a reasonable fee~~
 19 ~~for the handbooks."~~

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

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

29 OFFICIAL OR AGENCY	NUMBER OF COPIES
30 State Departments and Officials	
31 Governor	1
32 Lieutenant Governor	1
33 Auditor	1
34 Treasurer	1
35 Secretary of State	1
36 Superintendent of Public Instruction	1
37 Attorney General (Library)	1
38 Commissioner of Agriculture	1
39 Commissioner of Labor	1
40 Commissioner of Insurance	1
41 Department of Environment and Natural Resources	1
42 Department of Health and Human Services	1
43 Department of Juvenile Justice and Delinquency Prevention	1
44 Board of Transportation	1

1 Utilities Commission 1
 2 Department of Administration 1
 3 Clerk of the Supreme Court 1
 4 Clerk of the Court of Appeals 1
 5 Clerk of the Superior Court 1 each
 6 Department of Cultural Resources [State Library] 5
 7 Supreme Court Library 2
 8 Legislative Library 1
 9 Office of Administrative Hearings 1
 10 Rules Review Commission 1
 11 Schools
 12 All state-supported colleges and universities
 13 in the State of North Carolina *1 each
 14 Local Officials
 15 Clerks of the Superior Courts 1 each
 16 Chief Building Inspector of each incorporated
 17 municipality or county 1
 18

19 In addition, the Building Code Council shall make additional copies available at
 20 such price as it shall deem reasonable to members of the general public."

21 **SECTION 6.** G.S. 143-139 is amended by adding a new subsection to read:

22 "(b2) Alternative Building Code Interpretations. – Interpretations of the North
 23 Carolina State Building Code may also be obtained from the model code agency from
 24 which the North Carolina State Building Code was adopted. Interpretations from the
 25 model code agency shall have the same legal force and effect as interpretations from the
 26 Department of Insurance."

27 **SECTION 7.** G.S. 143-141 is amended by adding a new subsection to read:

28 "(b1) Resolving Interpretation Disputes. – When a dispute arises regarding the
 29 interpretation of a provision of the North Carolina State Building Code between the
 30 Department of Insurance and the model code agency from which the North Carolina
 31 State Building Code was adopted, the Building Code Council may hear an appeal and
 32 rule on it pursuant to subsection (b) of this section."

33 **SECTION 8.** This act becomes effective October 1, 2004.