

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 2168
Corrected Copy 5/23/06

Short Title: Exempt Certain Greenhouses from Bldg Code. (Public)

Sponsors: Representatives Gibson, Howard, Jeffus, Saunders (Primary Sponsors); Clary, Coates, Coleman, Dockham, Dollar, Eddins, Goforth, Hill, Johnson, Langdon, LaRoque, Owens, Setzer, Tolson, Walker, Williams, Womble, and Wright.

Referred to: Insurance.

May 18, 2006

A BILL TO BE ENTITLED

1
2 AN ACT TO CLARIFY THE EXEMPTION FOR GREENHOUSES FROM THE
3 BUILDING CODE WHEN THEY ARE BUILT IN ACCORDANCE WITH THE
4 NATIONAL GREENHOUSE MANUFACTURERS ASSOCIATION
5 STRUCTURAL DESIGN MANUAL AND USED FOR GROWING PLANTS,
6 AND NOT USED FOR RETAIL SALES PURPOSES, AS RECOMMENDED BY
7 THE ENVIRONMENTAL REVIEW COMMISSION.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 143-138(b) reads as rewritten:

10 "(b) **(Effective July 1, 2006)** Contents of the Code. – The North Carolina State
11 Building Code, as adopted by the Building Code Council, may include reasonable and
12 suitable classifications of buildings and structures, both as to use and occupancy;
13 general building restrictions as to location, height, and floor areas; rules for the lighting
14 and ventilation of buildings and structures; requirements concerning means of egress
15 from buildings and structures; requirements concerning means of ingress in buildings
16 and structures; rules governing construction and precautions to be taken during
17 construction; rules as to permissible materials, loads, and stresses; rules governing
18 chimneys, heating appliances, elevators, and other facilities connected with the
19 buildings and structures; rules governing plumbing, heating, air conditioning for the
20 purpose of comfort cooling by the lowering of temperature, and electrical systems; and
21 such other reasonable rules pertaining to the construction of buildings and structures and
22 the installation of particular facilities therein as may be found reasonably necessary for
23 the protection of the occupants of the building or structure, its neighbors, and members
24 of the public at large.

25 In addition, the Code may regulate activities and conditions in buildings, structures,
26 and premises that pose dangers of fire, explosion, or related hazards. Such fire

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

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

15 Provided further, that nothing in this Article shall be construed to make any building
16 rules applicable to farm buildings located outside the building-rules jurisdiction of any
17 municipality. For purposes of this Article, "farm building" shall include greenhouses.
18 As used in this subsection, "greenhouse" shall mean a structure used for growing plants.
19 Greenhouses located within the building-rules jurisdiction of any municipality shall not
20 be subject to any building rules provided that (i) the greenhouse is built in accordance
21 with the National Greenhouse Manufacturers Association Structural Design manual, and
22 (ii) the greenhouse is not used for retail sales.

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

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

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

- 37 (1) Any rules governing boilers adopted by the Board of Boiler and
38 Pressure Vessels Rules,
- 39 (2) Any rules relating to the safe operation of elevators adopted by the
40 Commissioner of Labor, and
- 41 (3) Any rules relating to sanitation adopted by the Commission for Health
42 Services which the Building Code Council believes pertinent.

43 In addition, the Code may include references to such other rules of special types,
44 such as those of the Medical Care Commission and the Department of Public Instruction

1 as may be useful to persons using the Code. No rule issued by any agency other than the
2 Building Code Council shall be construed as a part of the Code, nor supersede that
3 Code, it being intended that they be presented with the Code for information only.

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

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

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

25 **SECTION 2.** This act is effective when it becomes law.