

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 490

Short Title: Industrial Machinery - Building Code.

(Public)

Sponsors: Senator Hoyle.

Referred to: Commerce, Small Business and Entrepreneurship.

March 6, 2007

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO
2 REGULATION UNDER THE BUILDING CODE.

3 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

- 24 (1) Any rules governing boilers adopted by the Board of Boiler and
25 Pressure Vessels Rules,
- 26 (2) Any rules relating to the safe operation of elevators adopted by the
27 Commissioner of Labor, and
- 28 (3) Any rules relating to sanitation adopted by the Commission for Health
29 Services which the Building Code Council believes pertinent.

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

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

1 Nothing in this Article shall extend to or be construed as being applicable to the
2 regulation of the design, construction, location, installation, or operation of industrial
3 machinery. For the purposes of this paragraph, 'industrial machinery' means equipment
4 and machinery used in a system of operations for the explicit purpose of producing a
5 product. The term does not include equipment that is permanently attached to or a
6 component part of a building and related to general building services such as
7 ventilation, heating and cooling, plumbing, fire suppression or prevention, and general
8 electrical transmission.

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

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

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