

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 497
Judiciary III Committee Substitute Adopted 5/1/89

Short Title: Building Code Amendments.

(Public)

Sponsors:

Referred to:

March 20, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS SUBSTANTIVE AND TECHNICAL CHANGES IN
3 THE BUILDING CODE LAWS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 4 of Chapter 66 of the General Statutes reads as rewritten:

6 "ARTICLE 4.

7 "ELECTRICAL MATERIALS, DEVICES, APPLIANCES AND EQUIPMENT.

8 "§ 66-23. Sale of electrical goods regulated.

9 Every person, firm or corporation before selling, offering for sale or exposing for sale,
10 at retail to the general public, assigning, or disposing of by gift as premiums or in any
11 similar manner any electrical material, devices, appliances or equipment shall first
12 determine if such electrical materials, devices, appliances and equipment comply with
13 the provision of this Article.

14 "§ 66-24. Identification marks required.

15 All electrical materials, devices, appliances and equipment offered for sale, exposed
16 for sale at retail to the general public, or disposed of by gift as premiums or in any similar
17 manner shall have the maker's name, trademark, or other identification symbol placed
18 thereon, together with such other markings giving voltage, current, wattage, or other
19 appropriate ratings as may be necessary to determine the character of the material,
20 device, appliance or equipment and the use for which it is intended; and it shall be
21 unlawful for any person, firm or corporation to remove, alter, change or deface the
22 maker's name, trademark or other identification symbol.

23 "§ 66-25. Acceptable listings as to safety of goods.

1 ~~The electrical inspector shall accept, without further examination or test, the listings~~
2 ~~of Underwriters' Laboratories, Inc., as evidence of safety of such materials, etc., so long~~
3 ~~as the listing continues in effect to his knowledge and, so long as information and~~
4 ~~experience have not demonstrated, in his judgment, that any specific listed materials,~~
5 ~~etc., are not safe.~~

6 ~~The electrical inspector may accept as evidence of safety of such materials, etc., not~~
7 ~~of types for which such Underwriters' Laboratories listings are in effect, such evidence~~
8 ~~by way of records of tests and examinations by bodies he deems properly qualified, as~~
9 ~~he deems necessary to assure him of the safety of such materials, etc. But such~~
10 ~~acceptance cannot be made to apply to other than the stock of materials, etc., for which~~
11 ~~such evidence has been specifically secured. One body whose evidence of safety shall~~
12 ~~be accepted by the electrical inspector for specific stocks is the Insurance Commission~~
13 ~~of the State of North Carolina, if the stock in question has been submitted to the~~
14 ~~examinations and tests required by that Commission, and that Commission has certified~~
15 ~~that in its judgment the stock conforms to the State law, to the requirements of this~~
16 ~~Article, and to any additional requirements deemed necessary for safety in the judgment~~
17 ~~of that Commission.~~

18 ~~The electrical inspector may decline to accept any evidence of safety other than that~~
19 ~~provided by Underwriters' Laboratories listings, for specific materials, etc., of types for~~
20 ~~which such listings are available.~~

21 ~~The electrical inspector, in accepting listings of Underwriters' Laboratories, shall~~
22 ~~keep in file as far as practicable, copies of all Underwriters' Laboratories listings in~~
23 ~~effect, and copies of the recorded standards, requirements, tests and examinations of~~
24 ~~Underwriters' Laboratories for such materials, etc., or shall when necessary refer to the~~
25 ~~files of such information maintained by the Insurance Commission of North Carolina.~~
26 ~~The words "electrical inspector" when used in this Article shall be construed to refer to~~
27 ~~any duly licensed and employed electrical inspector of the State or any governmental~~
28 ~~agency thereof.~~

29 All electrical materials, devices, appliances, and equipment shall be evaluated for
30 safety and suitability for intended use. This evaluation shall be conducted in accordance
31 with nationally recognized standards and shall be conducted by a qualified testing
32 laboratory. The Commissioner of Insurance, through the Engineering Division of the
33 Department of Insurance, shall implement the procedures necessary to approve suitable
34 national standards and to approve suitable qualified testing laboratories. The
35 Commissioner may assign his authority to implement the procedures for specific
36 materials, devices, appliances, or equipment to other agencies or bodies when they
37 would be uniquely qualified to implement those procedures.

38 In the event that the Commissioner determines that electrical materials, devices,
39 appliances, or equipment in question cannot be adequately evaluated through the use of
40 approved national standards or by approved qualified testing laboratories, the
41 Engineering Division of the Department of Insurance shall specify any alternative
42 evaluations which safety requires.

1 The Engineering Division of the Department of Insurance shall keep in file, where
2 practical, copies of all approved national standards and resumes of approved qualified
3 testing laboratories.

4 **"§ 66-26. Legal responsibility of proper installations unaffected.**

5 This Article shall not be construed to relieve from or to lessen the responsibility or
6 liability of any party owning, operating, controlling or installing any electrical materials,
7 devices, appliances or equipment for damages to persons or property caused by any
8 defect therein, nor shall the electrical inspector, the Commissioner, or agents of the
9 Commissioner be held as assuming any such liability by reason of the approval of any
10 material, device, appliance or equipment authorized herein.

11 **"§ 66-27. Violation made misdemeanor.**

12 Any person, firm or corporation who shall violate any of the provisions of this
13 Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished
14 by a fine of not more than ~~fifty dollars (\$50.00)~~ or one thousand dollars (\$1,000),
15 imprisonment for not more than 30-90 days, or both, for each violation.

16 **"§ 66-27A. Enforcement.**

17 The Commissioner or his designee or the electrical inspector of any State or local
18 governing agency may initiate any appropriate action or proceedings to prevent,
19 restrain, or correct any violation of this Article. The Commissioner or his designee,
20 upon showing proper credentials and in discharge of his duties pursuant to this Article
21 may, at reasonable times and without advance notice, enter and inspect any facility
22 within the State in which there is reasonable cause to suspect that electrical materials,
23 devices, appliances, or equipment not in conformance with the requirements of this
24 Article are being sold, offered for sale, assigned, or disposed of by gift, as premiums, or
25 in any other similar manner."

26 Sec. 2. G.S. 143-138(b), as rewritten by Chapter 25, Session Laws of 1989,
27 reads as rewritten:

28 "(b) Contents of the Code. – The North Carolina State Building Code, as adopted
29 by the Building Code Council, may include reasonable and suitable classifications of
30 buildings and structures, both as to use and occupancy; general building restrictions as
31 to location, height, and floor areas; rules for the lighting and ventilation of buildings and
32 structures; requirements concerning means of egress from buildings and structures;
33 requirements concerning means of ingress in buildings and structures; regulations
34 governing construction and precautions to be taken during construction; regulations as
35 to permissible materials, loads, and stresses; regulations of chimneys, heating
36 appliances, elevators, and other facilities connected with the buildings and structures;
37 regulations governing plumbing, heating, air conditioning for the purpose of comfort
38 cooling by the lowering of temperature, and electrical systems; and such other
39 reasonable rules and regulations pertaining to the construction of buildings and
40 structures and the installation of particular facilities therein as may be found reasonably
41 necessary for the protection of the occupants of the building or structure, its neighbors,
42 and members of the public at large.

43 In addition, the Code may regulate activities and conditions in buildings, structures,
44 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 G.S.
4 143-138(e).

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 regulations applicable to farm buildings located outside the building-regulation
9 jurisdiction of any municipality; except for the electrical and potable water systems of
10 farm buildings in all locations.

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

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

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

- 25 (1) Any boiler regulations adopted by the Board of Boiler Rules,
- 26 (2) Any elevator regulations relating to safe operation adopted by the
27 Commissioner of Labor, and
- 28 (3) Any regulations relating to sanitation adopted by the Department of
29 Human Resources which the Building Code Council believes
30 pertinent.

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

37 Nothing in this Article shall extend to or be construed as being applicable to the
38 regulation of the design, construction, location, installation, or operation of (1)
39 equipment for storing, handling, transporting, and utilizing liquefied
40 petroleum gases for fuel purposes or anhydrous ammonia or other liquid fertilizers
41 except for liquefied petroleum gas from the outlet of the first stage pressure regulator to
42 and including each liquefied petroleum gas utilization device within a building or
43 structure covered by the Code, or (2) equipment or facilities, other than buildings, of a
44 public utility, as defined in G.S. 62-3, or an electric or telephone membership

1 corporation, including without limitation poles, towers, and other structures supporting
2 electric or communication lines.

3 In addition, the Code may contain regulations concerning minimum efficiency
4 requirements for replacement water heaters, which shall consider reasonable availability
5 from manufacturers to meet installation space requirements."

6 Sec. 3. G.S. 143-138(f) is repealed.

7 Sec. 4. G.S. 143-140 reads as rewritten:

8 **"§ 143-140. Hearings before enforcement agencies as to questions under Building**
9 **Code.**

10 Any person desiring to raise any question under this Article or under the North
11 Carolina State Building Code shall be entitled to a ~~full hearing before technical~~
12 interpretation from the appropriate enforcement agency, as designated in the preceding
13 section. Upon request in writing by any such person, the enforcement agency ~~shall~~
14 ~~appoint a time for the hearing, giving such person reasonable notice thereof. The enforcement~~
15 ~~agency, through an appropriate official, shall conduct a full and complete hearing of the~~
16 ~~matters in controversy and make a determination thereof~~ shall within a reasonable time
17 ~~thereafter. The person requesting the hearing shall, upon request, be furnished provide~~ a
18 written ~~statement of the decision~~ interpretation, setting forth the facts found, the decision
19 reached, and the reasons therefor. In the event of dissatisfaction with such decision, the
20 person affected shall have the options ~~of~~ of:

21 (1) Appealing to the Building Code Council or

22 (2) Appealing directly to the ~~superior court,~~ Superior Court, as provided in
23 G.S. 143-141."

24 Sec. 5. G.S. 153A-361 reads as rewritten:

25 **"§ 153A-361. Stop orders.**

26 Whenever a building or part thereof is being demolished, constructed, reconstructed,
27 altered, or repaired in a hazardous manner, or in substantial violation of a State or local
28 building law or local building ordinance or regulation, or in a manner that endangers life
29 or property, the appropriate inspector may order the specific part of the work that is in
30 violation or that presents such a hazard to be immediately stopped. The stop order shall
31 be in writing and directed to the person doing the work, and shall state the specific work
32 to be stopped, the specific reasons for the stoppage, and the conditions under which the
33 work may be resumed. The owner or builder may appeal from a stop order involving
34 alleged violation of the State Building Code or any approved local modification thereof
35 to the North Carolina Commissioner of Insurance or his designee within five days after
36 the day the order is issued. The owner or builder shall give to the Commissioner of
37 Insurance or his designee written notice of appeal, with a copy to the local inspector.
38 The Commissioner or his designee shall promptly conduct a ~~hearing at which the an~~
39 investigation and the appellant and the inspector shall be permitted to submit relevant
40 evidence, ~~and the~~ The Commissioner or his designee shall rule on the appeal as
41 expeditiously as possible provide a written statement of the decision setting forth the
42 facts found, the decision reached, and the reasons for the decision. Pending the ruling
43 by the Commissioner of Insurance or his designee on an appeal, no further work may
44 take place in violation of a stop order. ~~Appeals from a stop order based on violations of any~~

1 ~~other local ordinance relating to buildings shall be taken to the local official designated by that~~
2 ~~ordinance and shall be taken, heard, and decided in the same manner as prescribed herein for~~
3 ~~appeals to the Commissioner. In the event of dissatisfaction with the decision, the person~~
4 ~~affected shall have the options of:~~

5 (1) Appealing to the Building Code Council, or

6 (2) Appealing to the Superior Court as provided in G.S.143-141.

7 Violation of a stop order constitutes a misdemeanor."

8 Sec. 6. G.S. 160A-421 reads as rewritten:

9 **"§ 160A-421. Stop orders.**

10 Whenever any building or structure or part thereof is being demolished, constructed,
11 reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of
12 any State or local building law, or in a manner that endangers life or property, the
13 appropriate inspector may order the specific part of the work that is in violation or
14 presents such a hazard to be immediately stopped. The stop order shall be in writing,
15 directed to the person doing the work, and shall state the specific work to be stopped,
16 the specific reasons therefor, and the conditions under which the work may be resumed.
17 The owner or builder may appeal from a stop order involving alleged violation of the
18 State Building Code or any approved local modification thereof to the North Carolina
19 Commissioner of Insurance or his designee within five days after the day the order is
20 issued. The owner or builder shall give to the Commissioner of Insurance or his
21 designee written notice of appeal, with a copy to the local inspector. The Commissioner
22 or his designee shall promptly conduct a ~~hearing at which the~~ an investigation and the
23 appellant and the inspector shall be permitted to submit relevant evidence, ~~and the~~ The
24 Commissioner or his designee shall rule on the appeal as expeditiously as possible
25 provide a written statement of the decision setting forth the facts found, the decision
26 reached, and the reasons for the decision. Pending the ruling by the Commissioner of
27 Insurance or his designee on an appeal, no further work may take place in violation of a
28 stop order. ~~Appeals from a stop order based on violations of any other local ordinance relating~~
29 ~~to buildings shall be taken to the local official designated by that ordinance and shall be taken,~~
30 ~~heard, and decided in the same manner as prescribed herein for appeals to the Commissioner.~~
31 ~~In the event of dissatisfaction with the decision, the person affected shall have the~~
32 ~~options of:~~

33 (1) Appealing to the Building Code Council, or

34 (2) Appealing to the Superior Court as provided in G.S. 143-141.

35 Violation of a stop order shall constitute a misdemeanor."

36 Sec. 7. G.S. 153A-374 reads as rewritten:

37 **"§ 153A-374. Appeals.**

38 Unless otherwise provided by law, any appeal from an order, decision, or
39 determination of a member of a local inspection department pertaining to the State
40 Building Code or any other State building law shall be taken to the Commissioner of
41 Insurance or his designee or other official specified in G.S. 143-139, by filing a written
42 notice with him and with the inspection department within 10 days after the day of the
43 order, decision, or determination. Further appeals may be taken to the State Building
44 Code Council or to the courts as provided by law."

1 Sec. 7A. G.S. 160A-434 reads as rewritten:

2 **"§ 160A-434. Appeals in general.**

3 Unless otherwise provided by law, appeals from any order, decision, or
4 determination by a member of a local inspection department pertaining to the State
5 Building Code or other State building laws shall be taken to the Commissioner of
6 Insurance or his designee or other official specified in G.S. 143-139, by filing a written
7 notice with him and with the inspection department within a period of 10 days after the
8 order, decision, or determination. Further appeals may be taken to the State Building
9 Code Council or to the courts as provided by law."

10 Sec. 8. G.S. 160A-436 reads as rewritten:

11 **"§ 160A-436. Restrictions within primary fire limits.**

12 Within the primary fire limits of any city, as established and defined by ordinance,
13 no frame or wooden building or structure or addition thereto shall hereafter be erected,
14 altered, repaired, or moved (either into the limits or from one place to another within the
15 limits), except upon the permit of the local inspection department approved by the City
16 Council and by the Commissioner of Insurance or his designee. ~~The city council~~ City
17 Council may make additional regulations for the prevention, extinguishment, or
18 mitigation of fires within the primary fire limits."

19 Sec. 9. G.S. 143-138(c) reads as rewritten:

20 "(c) Standards to Be Followed in Adopting the Code. – All regulations contained
21 in the North Carolina State Building Code shall have a reasonable and substantial
22 connection with the public health, safety, morals, or general welfare, and their
23 provisions shall be construed liberally to those ends. Requirements of the Code shall
24 conform to good engineering practice, as evidenced generally by the requirements of the
25 National Building Code of the American Insurance Association, formerly the National
26 Board of Fire Underwriters, the Southern Standard Building Code of the Southern
27 Building Code Congress, the Uniform Building Code of the Pacific Coast Building
28 Officials Conference, the Basic Building Code of the Building Officials Conference of
29 America, Inc., the National Electric Code, the Life Safety Code, ~~formerly Building Exits~~
30 ~~Code~~ and Fire Prevention Code of the National Fire Protection Association, the
31 American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, the Boiler
32 Code of the American Society of Mechanical Engineers, Standards of the American
33 Insurance Association for the Installation of Gas Piping and Gas Appliances in
34 Buildings, and standards promulgated by the United States of America Standards
35 Institute, formerly the American Standards Association, Underwriters' Laboratories,
36 Inc., and similar national agencies engaged in research concerning strength of materials,
37 safe design, and other factors bearing upon health and safety."

38 Sec. 10. G.S. 143-138(e) reads as rewritten:

39 "(e) Effect upon Local Building Codes. – The North Carolina State Building Code
40 shall apply throughout the State, from the time of its adoption. However, any political
41 subdivision of the State may adopt a building code or building rules and regulations
42 governing construction or a fire prevention code within its jurisdiction. The territorial
43 jurisdiction of any municipality or county for this purpose, unless otherwise specified
44 by the General Assembly, shall be as follows: Municipal jurisdiction shall include all

1 areas within the corporate limits of the municipality; county jurisdiction shall include all
2 other areas of the county. No such ~~building~~ code or regulations shall be effective until
3 they have been officially approved by the Building Code Council as providing adequate
4 minimum standards to preserve and protect health and safety, in accordance with the
5 provisions of subsection (c) above. While it remains effective, such approval shall be
6 taken as conclusive evidence that a local code or local regulations supersede the State
7 Building Code in its particular political subdivision. Whenever the Building Code
8 Council adopts an amendment to the State Building Code, it shall consider any
9 previously approved local regulations dealing with the same general matters, and it shall
10 have authority to withdraw its approval of any such local code or regulations unless the
11 local governing body makes such appropriate amendments to that local code or
12 regulations as it may direct. In the absence of approval by the Building Code Council,
13 or in the event that approval is withdrawn, local codes and regulations shall have no
14 force and effect. Provided any local regulations approved by the local governing body
15 which are found by the Council to be more stringent than the adopted statewide fire
16 prevention code and which are found to regulate only activities and conditions in
17 buildings, structures, and premises that pose dangers of fire, explosion or related
18 hazards, and are not matters in conflict with the State Building Code, shall be
19 approved."

20 Sec. 11. G.S. 143-139(b) reads as rewritten:

21 "(b) General Building Regulations. – The Insurance Commissioner shall have
22 general supervision, through the Division of Engineering of the Department of
23 Insurance, of the administration and enforcement of all sections of the North Carolina
24 State Building Code pertaining to plumbing, electrical systems, general building
25 restrictions and regulations, heating and air conditioning, fire protection, and the
26 construction of buildings generally, except those sections of the Code, the enforcement
27 of which is specifically allocated to other agencies by subsections (c) and (d) below.
28 The Insurance Commissioner, by means of the Division of Engineering, shall exercise
29 his duties in the enforcement of the North Carolina State Building Code (including
30 local building codes which have superseded the State Building Code in a particular
31 political subdivision pursuant to G.S. 143-138(e)) in cooperation with local officials and
32 local inspectors duly appointed by the governing body of any municipality or board of
33 county commissioners pursuant to ~~Article 11, Chapter 160 of the General Statutes of North~~
34 ~~Carolina, or G.S. 160-200(29), or G.S. 153-9(47) and (52)~~ Part 5 of Article 19 of Chapter
35 160A of the General Statutes or Part 4 of Article 18 of Chapter 153A of the General
36 Statutes, or any other applicable statutory authority."

37 Sec. 12. G.S. 115C-525(b) reads as rewritten:

38 "(b) Inspection of Schools for Fire Hazards; Removal of Hazards. – Every public
39 school building in the State shall be inspected ~~every four months~~ a minimum of two times
40 during the school year in accordance with the following plan: Provided, that the periodic
41 inspections herein required shall be at least ~~90~~ 120 days apart:

- 42 (1) Each school building shall be inspected to make certain that none of
43 the fire hazards enumerated in G.S. 115C-525(a)(1) through (5) exist,
44 and to insure the building and that all heating, mechanical, electrical,

1 gas, and other equipment and appliances are properly installed and
2 maintained in a safe and serviceable manner as prescribed by the North
3 Carolina Building Code. Following each inspection, the persons
4 making the inspection shall furnish to the principal of the school a
5 written report of conditions found during inspection, upon forms
6 furnished by the Commissioner of Insurance, and the persons making
7 the inspection shall also furnish a copy of the report to the
8 superintendent of schools; the superintendent shall keep such copy on
9 file for a period of three years. In addition to the periodic inspections
10 herein required, any alterations or additions to existing school
11 buildings or to school building utilities or appliances shall be inspected
12 immediately following completion.

13 (2) The board of county commissioners of each county shall designate the
14 persons to make the inspections and reports required by subdivision
15 (1) of this subsection. The board may designate any city or county
16 building inspector, any city or county fire prevention bureau, any city
17 or county electrical inspector, the county fire marshal, or any other
18 qualified persons, but no person shall make any ~~electrical~~ inspection
19 unless he shall be qualified as required by G.S. 153A-351.1 and
20 Section 7 of Chapter 531 of the 1977 Session Laws. Nothing in this
21 section shall be construed as prohibiting two or more counties from
22 designating the same persons to make the inspections and reports
23 required by subdivision (1) of this subsection. The board of county
24 commissioners shall compensate or provide for the compensation of
25 the persons designated to make all such inspections and reports. The
26 board of county commissioners may make appropriations in the
27 general fund of the county to meet the costs of such inspections, or in
28 the alternative the board may add appropriations to the school current
29 expense fund to meet the costs thereof: Provided, that if appropriations
30 are added to the school current expense fund, such appropriations shall
31 be in addition to and not in substitution of existing school current
32 expense appropriations.

33 (3) It shall be the duty of the Commissioner of Insurance, the
34 Superintendent of Public Instruction, and the State Board of Education
35 to prescribe any additional rules and regulations which they may deem
36 necessary in connection with such inspections and reports for the
37 reduction of fire hazards and protection of life and property in public
38 schools.

39 (4) It shall be the duty of each principal to make certain that all fire
40 hazards called to his attention in the course of the inspections and
41 reports required by subdivision (1) of this subsection are immediately
42 removed or corrected, if such removal or correction can be
43 accomplished by the principal. If such removal or correction cannot be

1 accomplished by the principal, it shall be the duty of the principal to
2 bring the matter to the attention of the superintendent.

- 3 (5) It shall be the duty of each superintendent of schools to make certain
4 that all fire hazards called to his attention in the course of the
5 inspections and reports required by subdivision (1) of this subsection
6 and not removed or corrected by the principals as required by
7 subdivision (4) of this subsection are removed or corrected, if such
8 removal or correction can be brought about within the current
9 appropriations available to the superintendent. Where any removal or
10 correction of a hazard will require the expenditure of funds in excess
11 of current appropriations, it shall be the duty of the superintendent to
12 bring the matter to the attention of the appropriate board of education,
13 and the board of education in turn shall bring the same to the attention
14 of the board of county commissioners, in order that immediate steps be
15 taken, within the framework of existing law, to remove or correct the
16 hazard."

17 Sec. 13. G.S. 160A-292 reads as rewritten:

18 **"§ 160A-292. Duties of fire chief.**

19 Where not otherwise prescribed, the duties of the fire chief shall be to preserve and
20 care for fire apparatus, have charge of fighting and extinguishing fires and training the
21 fire department, seek out and have corrected all places and conditions dangerous to the
22 safety of the city and its citizens from fire, and make annual reports to the council
23 concerning these duties. If these duties include State Building Code enforcement, they
24 shall follow the provisions as defined in G.S. 143-151.13."

25 Sec. 14. G.S. 153A-235 is repealed.

26 Sec. 15. G.S. 143-151.8(a) reads as rewritten:

27 "(a) As used in this Article, unless the context otherwise requires:

- 28 (1) 'Board' means the North Carolina Code Officials Qualification Board.
29 (2) 'Code' means the North Carolina State Building Code and related local
30 building rules approved by the Building Code Council heretofore or
31 hereinafter enacted, adopted or approved pursuant to G.S. 143-138.
32 (3) 'Code enforcement' means the examination and approval of plans and
33 specifications, or the inspection of the manner of construction,
34 workmanship, and materials for construction of buildings and
35 structures and components thereof, or the enforcement of fire code
36 regulations as an employee of the State or local government, except an
37 employee of the State Department of Labor engaged in the
38 administration and enforcement of those sections of the Code which
39 pertain to boilers and elevators, to assure compliance with the State
40 Building Code and related local building rules.
41 (4) 'Local inspection department' means the agency or agencies of local
42 government with authority to make inspections of buildings and to
43 enforce the Code and other laws, ordinances, and rules enacted by the
44 State and the local government which establish standards and

requirements applicable to the construction, alteration, repair, or demolition of buildings, and conditions that may create hazards of fire, explosion, or related hazards.

(5) 'Qualified Code-enforcement official' means a person qualified under this Article to engage in the practice of Code enforcement."

Sec. 16. G.S. 143-151.9(a)(14) reads as rewritten:

"(14) ~~Two members who are citizens~~ One member who is a local government fire prevention inspector and one member who is a citizen of the State."

Sec. 17. G.S. 143-151.13(c) reads as rewritten:

"(c) A Code-enforcement official holding office as of the date specified in this subsection for the county or municipality by which he is employed, shall not be required to possess a standard certificate as a condition of tenure or continued employment but shall be required to complete such in-service training as may be prescribed by the Board. At the earliest practicable date, such official shall receive from the Board a limited certificate qualifying him to engage in Code enforcement at the performance level and within the governmental jurisdiction in which he is employed. The limited certificate shall be valid only as an authorization for the official to continue in the position he held on the applicable date and shall become invalid if he does not complete in-service training within two years following the applicable date in the schedule below, according to the governmental jurisdiction's population as published in the 1970 U.S. Census:

- Counties and Municipalities over 75,000 population – July 1, 1979
- Counties and Municipalities between 50,001 and 75,000 – July 1, 1981
- Counties and Municipalities between 25,001 and 50,000 – July 1, 1983
- Counties and Municipalities 25,000 and under – July 1, ~~1985~~ 1985
- All fire prevention inspectors holding office – July 1, 1989.

An official holding a limited certificate can be promoted to a position requiring a higher level certificate only upon issuance by the Board of a standard certificate or probationary certificate appropriate for such new position."

Sec. 18. G.S. 143-138(g) reads as rewritten:

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

OFFICIAL OR AGENCY	NUMBER OF COPIES
State Departments and Officials	
Governor	1
Lieutenant Governor	1
Auditor	1
Treasurer	1

1	Secretary of State		1	
2	Superintendent of Public Instruction		3 <u>1</u>	
3	State Board of Education —————		2	
4	Attorney General(Library)		5 <u>1</u>	
5	Commissioner of Agriculture		1	
6	Commissioner of Labor		3 <u>1</u>	
7	Commissioner of Insurance		5 <u>1</u>	
8	Department of Human Resources			
9	[Commission for Health Services]		10	
10	Department of Human Resources			
11	[Commission for Medical Facility			
12	Services and Licensure] —————		3 <u>1</u>	
13	Board of Transportation		3 <u>1</u>	
14	Adjutant General —————		1	
15	Utilities Commission		1	
16	Department of Administration		3 <u>1</u>	
17	Department of Conservation and Development —		3	
18	Department of Human Resources			
19	[Social Services Commission] —————		7	
20	Justices of the Supreme Court —————		1 each	
21	Clerk of the Supreme Court		1	
22	Judges of the Court of Appeals —————		1 each	
23	Clerk of the Court of Appeals		1	
24	Judges-Clerk of the Superior Court	*	1 each	
25	Emergency Judges of the Superior Court —	*	1 each	
26	Special Judges of the Superior Court	*	1 each	
27	Solicitors of the Superior Court	*	1 each	
28	Department of Cultural Resources			
29	[State Library]		2 <u>5</u>	
30	Supreme Court Library		2	
31	State Senators	*	1 each	
32	Representatives of General Assembly	*	1 each	
33	Legislative Building-Library		1	
34	Other state-supported institutions;			
35	at the discretion of the Council	*	1 each	
36	Schools			
37	University of North Carolina at Chapel Hill	*		25
38	North Carolina State University at Raleigh	*		15
39	North Carolina Agricultural and Technical			
40	State University	*	5	
41	All other state-supported colleges and			
42	universities in the State of			
43	North Carolina	*	1 each	
44	Local Officials			

1	Clerks of the Superior Courts		1 each
2	Registers of Deeds of the Counties	*	1 each
3	Chairman of the Boards of County		
4	Commissioners	*	1 each
5	City Clerk of each incorporated		
6	municipality		1 each
7	Chief Building Inspector of each		
8	incorporated municipality or county	*	1

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

11 Sec. 19. G.S. 143-138(a) reads as rewritten:

12 ♦"§ 143-138 North Carolina State Building Code.

13 (a) Preparation and Adoption. – The Building Code Council is hereby
14 empowered to prepare and adopt, in accordance with the provisions of this Article, a
15 North Carolina State Building Code. Prior to the adoption of this Code, or any part
16 thereof, the Council shall hold at least one public hearing ~~in the City of Raleigh~~. A notice
17 of such public hearing shall be given once a week for two successive calendar weeks in
18 a newspaper published in Raleigh, said notice to be published the first time not less than
19 15 days prior to the date fixed for said hearing. The Council may hold such other public
20 hearings and give such other notice as it may deem necessary."

21 Sec. 20. G.S. 143-143.2 reads as rewritten:

22 "§ 143-143.2. **Electric wiring of ~~houses~~ houses, buildings, and structures.**

23 The electric wiring of houses or buildings for lighting or for other purposes shall
24 conform to the requirements of the State Building Code, which includes the National
25 Electric Code and any amendments and supplements thereto as adopted and approved
26 by the State Building Code Council, and any other applicable State and local laws. In
27 order to protect the property of citizens from the dangers incident to defective electric
28 wiring of buildings, it shall be unlawful for any firm or corporation to allow any electric
29 current for use in any newly erected building to be turned on without first having had an
30 inspection made of the wiring by the appropriate official electrical inspector or
31 inspection department and having received from that inspector or department a
32 certificate approving the wiring of such building. It shall be unlawful for any person,
33 firm, or corporation engaged in the business of selling electricity to furnish initially any
34 electric current for use in any building, unless said building shall have first been
35 inspected by the appropriate official electrical inspector or inspection department and a
36 certificate given as above provided. In the event that there is no legally appointed
37 inspector or inspection department with jurisdiction over the property involved, the two
38 preceding sentences shall have no force or effect. As used in this section, 'building'
39 includes any structure."

40 Sec. 21. Sections 14 through 17 shall become effective upon the adoption of
41 fire protection code provisions by the North Carolina Building Code Council.

42 Sec. 22. This act shall become effective September 1, 1989.