

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 987\*

Short Title: Fire Code Enforcement.

(Public)

Sponsors: Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, and Sands.

Referred to: Manufacturing and Labor.

May 27, 1992

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE ENFORCEMENT OF THE BUILDING CODE BY A MUNICIPALITY IN ITS EXTRATERRITORIAL JURISDICTION AND TO PROVIDE FOR APPOINTMENTS TO THE BUILDING CODE COUNCIL.

The General Assembly of North Carolina enacts:

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

"(e) Effect upon Local Codes. – The North Carolina State Building Code shall apply throughout the State, from the time of its adoption. However, any political subdivision of the State may adopt a building code or building rules and regulations governing construction or a fire prevention code within its jurisdiction. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within the corporate limits of the ~~municipality~~; municipality and extraterritorial jurisdiction areas established as provided in G.S. 160A-360 or a local act; county jurisdiction shall include all other areas of the county. No such code or regulations, other than those permitted by G.S. 160A-436, shall be effective until they have been officially approved by the Building Code Council as providing adequate minimum standards to preserve and protect health and safety, in accordance with the provisions of subsection (c) above. While it remains effective, such approval shall be taken as conclusive evidence that a local code or local regulations supersede the State Building Code in its particular political subdivision. Whenever the Building Code Council adopts an amendment to the State Building Code, it shall consider any previously approved local regulations dealing with the same general matters, and it shall have authority to withdraw its approval of any such local code or regulations unless the local

1 governing body makes such appropriate amendments to that local code or regulations as  
2 it may direct. In the absence of approval by the Building Code Council, or in the event  
3 that approval is withdrawn, local codes and regulations shall have no force and effect.  
4 Provided any local regulations approved by the local governing body which are found  
5 by the Council to be more stringent than the adopted statewide fire prevention code and  
6 which are found to regulate only activities and conditions in buildings, structures, and  
7 premises that pose dangers of fire, explosion or related hazards, and are not matters in  
8 conflict with the State Building Code, shall be approved."

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

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

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

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