

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH80151-LT-59\* (3/1)

Short Title: Streamline Building Code Adoption.-AB

(Public)

Sponsors: Representative Goforth.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO STREAMLINE BUILDING CODE ADOPTION FOR GENERAL AND  
RESIDENTIAL CONSTRUCTION AND TO EXPEDITE DECISIONS OF THE  
BUILDING CODE COUNCIL.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 9 of Chapter 143 of the General Statutes is amended  
by:

(1) Designating G.S. 143-136 through G.S. 143-138.1 as:

"Part 1. Nonresidential Building Code Council and Building Code."

(2) Designating G.S. 143-139 through G.S. 143-143.5 as:

"Part 3. Enforcement; Hearing Procedures; Exemptions."

**SECTION 2.** G.S. 143-136 reads as rewritten:

**"§ 143-136. Building Code Council created; membership.**

(a) Creation; Membership; Terms. – There is hereby created a Building Code Council, which shall be composed of ~~47~~ 10 members appointed by the Governor, consisting of two registered architects, one licensed general contractor, ~~one licensed general contractor specializing in residential construction, one licensed general contractor specializing in coastal residential construction,~~ one registered engineer practicing structural engineering, one registered engineer practicing mechanical engineering, one registered engineer practicing electrical engineering, one licensed plumbing and heating contractor, one municipal or county building inspector, ~~one licensed liquid petroleum gas dealer/contractor involved in the design of natural and liquid petroleum gas systems who has expertise and experience in natural and liquid petroleum gas piping, venting and appliances,~~ a representative of the public who is not a member of the building construction industry, ~~a licensed electrical contractor, a registered engineer on the engineering staff of a State agency charged with approval of plans of State-owned buildings, a municipal elected official or city manager, a county~~

1 ~~commissioner or county manager~~, and an active member of the North Carolina fire  
2 service with expertise in fire safety. In selecting the municipal and county members,  
3 preference should be given to members who qualify as either a registered architect,  
4 registered engineer, or licensed general contractor. Of the members initially appointed  
5 by the Governor, three shall serve for terms of two years each, three shall serve for  
6 terms of four years each, and three shall serve for terms of six years each. Thereafter, all  
7 appointments shall be for terms of six years. The Governor may remove appointive  
8 members at any time. Neither the architect nor any of the above named engineers shall  
9 be engaged in the manufacture, promotion or sale of any building material, and any  
10 member who shall, during his term, cease to meet the qualifications for original  
11 appointment (through ceasing to be a practicing member of the profession indicated or  
12 otherwise) shall thereby forfeit his membership on the Council. In making new  
13 appointments or filling vacancies, the Governor shall ensure that minorities and women  
14 are represented on the Council.

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

18 (b) Compensation. – Members of the Building Code Council other than any who  
19 are employees of the State shall receive seven dollars (\$7.00) per day, including  
20 necessary time spent in traveling to and from their place of residence within the State to  
21 any place of meeting or while traveling on official business of the Council. In addition,  
22 all members shall receive mileage and subsistence according to State practice while  
23 going to and from any place of meeting, or when on official business of the Council."

24 **SECTION 3.** G.S. 143-138(a) reads as rewritten:

25 "(a) Preparation and Adoption. – The Building Code Council may prepare and  
26 adopt, in accordance with the provisions of this Article, a North Carolina State Building  
27 ~~Code.~~ Code for nonresidential buildings, including multifamily residential buildings but  
28 not including one-family or two-family residential buildings. Before the adoption of the  
29 Code, or any part of the Code, the Council shall hold at least one public hearing. A  
30 notice of the public hearing shall be published in the North Carolina Register at least 15  
31 days before the date of the hearing. Notwithstanding G.S. 150B-2(8a)h., the North  
32 Carolina State Building Code as adopted by the Building Code Council is a rule within  
33 the meaning of G.S. 150B-2(8a) and shall be adopted in accordance with the procedural  
34 requirements of Article 2A of Chapter 150B of the General Statutes.

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

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

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

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

29       The Code may contain provisions regulating every type of building or structure,  
30 except for one-family or two-family residential construction, wherever it might be  
31 situated in the State.

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

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

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

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

5 (1) Any rules governing boilers adopted by the Board of Boiler and  
6 Pressure Vessels Rules,

7 (2) Any rules relating to the safe operation of elevators adopted by the  
8 Commissioner of Labor, and

9 (3) Any rules relating to sanitation adopted by the Commission for Health  
10 Services which the Building Code Council believes pertinent.

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

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

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

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

37 **SECTION 5.** G.S. 143-138 is amended by adding a new subsection to read:

38 "(i1) Notwithstanding references to residential buildings or occupancies in  
39 subsection (i) of this section, this section does not apply to one-family and two-family  
40 residential buildings."

41 **SECTION 6.** Article 9 of Chapter 143 of the General Statutes is amended by  
42 adding a new Part to read:

43 "Part 2. Residential Building Code Council and Building Code.

44 "§ 143-138.10. Residential Building Code Council created; membership.

1       (a) Creation; Membership; Terms. – There is hereby created a Residential  
2 Building Code Council, which shall be composed of seven members as follows:

3           (1) Two licensed general contractors specializing in residential  
4 construction, appointed by the Governor.

5           (2) One licensed general contractor specializing in coastal residential  
6 construction, appointed by the Governor.

7           (3) One registered engineer practicing structural engineering who is not  
8 engaged in the manufacture, promotion, or sale of any building  
9 material, appointed by the Governor.

10          (4) Three members appointed by the Commissioner of Insurance  
11 consisting of three municipal or county building inspectors.

12       Of the members initially appointed by the Governor, two shall serve for terms of two  
13 years each and two shall serve for terms of six years each. Of the members initially  
14 appointed by the Commissioner, one shall serve for a term of two years and two shall  
15 serve for terms of six years each. Thereafter, all appointments shall be for terms of six  
16 years.

17       The Governor or Commissioner may remove their appointive members at any time.  
18 Any member who, during that member's term, ceases to meet the qualifications for  
19 original appointment through ceasing to be a practicing member of the profession  
20 indicated or otherwise shall thereby forfeit that member's membership on the Council.

21       The Governor or Commissioner may make appointments to fill the unexpired  
22 portions of any terms vacated by reason of death, resignation, or removal from office. In  
23 making the appointment, the Governor or Commissioner shall preserve the composition  
24 of the Council required in this subsection.

25       (b) Compensation. – Members of the Residential Building Code Council shall be  
26 compensated pursuant to G.S. 138-6 as if they were State employees or officials.

27 **"§ 143-138.11. Organization of Residential Building Code Council; rules;**  
28 **meetings; staff; fiscal affairs.**

29       (a) First Meeting; Organization; Rules. – Within 30 days after its appointment,  
30 the Residential Building Code Council shall meet on call of the Commissioner of  
31 Insurance. The Council shall elect from its members a chair and any other officers for  
32 terms designated in its rules. The Council shall adopt rules not inconsistent herewith for  
33 the proper discharge of its duties. The chair may appoint members to any committees  
34 the work of the Council requires. In addition, the chair shall establish and appoint ad  
35 hoc code revision committees to consider and prepare revisions and amendments to the  
36 Code volumes. Each ad hoc committee shall consist of members of the Council,  
37 licensed contractors, design professionals most affected by the Code volume for which  
38 the ad hoc committee is responsible, and members of the public. The committees shall  
39 meet upon the call of their respective chairs and shall report their recommendations to  
40 the Council.

41       (b) Meetings. – The Council shall meet regularly, at least once every six months,  
42 at places and dates to be determined by the Council. Special meetings may be called by  
43 the chair on the chair's initiative and shall be called by the chair when two or more  
44 members of the Council request a meeting. All members shall be notified by the chair in

1 writing of the time and place of regular and special meetings at least seven days in  
2 advance of the meetings. Seven members shall constitute a quorum. All meetings shall  
3 be open to the public.

4 (c) Staff. – Personnel of the Division of Engineering of the Department of  
5 Insurance shall serve as a staff for the Council. The staff shall have the following duties:

6 (1) Keeping an accurate and complete record of all meetings, hearings,  
7 correspondence, laboratory studies, and technical work performed by  
8 or for the Council and making these records available for public  
9 inspection at all reasonable times.

10 (2) Handling correspondence for the Council.

11 (d) Fiscal Affairs of the Council. – All funds for the operations of the Council  
12 and its staff shall be appropriated to the Department of Insurance for the use of the  
13 Council. All funds shall be held in a separate or special account on the books of the  
14 Department of Insurance, with a separate financial designation or code number to be  
15 assigned by the Department of Administration or its agent. Expenditures for staff  
16 salaries and operating expenses shall be made in the same manner as the expenditure of  
17 other Department of Insurance funds. The Department of Insurance may hire any  
18 additional personnel as may be necessary to handle the work of the Residential Building  
19 Code Council, within the limits of funds appropriated for the Council and with the  
20 approval of the Council.

21 **"§ 143-138.12. North Carolina State Residential Building Code.**

22 (a) Preparation and Adoption. – The Residential Building Code Council may  
23 prepare and adopt, in accordance with the provisions of this Article, a North Carolina  
24 State Residential Building Code for one-family and two-family residential buildings.  
25 Before the adoption of the Code, or any part of the Code, the Council shall hold at least  
26 one public hearing. A notice of the public hearing shall be published in the North  
27 Carolina Register at least 15 days before the date of the hearing. Notwithstanding  
28 G.S. 150B-2(8a)h., the North Carolina State Residential Building Code as adopted by  
29 the Residential Building Code Council is a rule within the meaning of G.S. 150B-2(8a)  
30 and shall be adopted in accordance with the procedural requirements of Article 2A of  
31 Chapter 150B of the General Statutes.

32 The Council shall request the Office of State Budget and Management to prepare a  
33 fiscal note for a proposed Code change that has a substantial economic impact, as  
34 defined in G.S. 150B-21.4(b1) or that increases the cost of residential housing by eighty  
35 dollars (\$80.00) or more per housing unit. The change may become effective only in  
36 accordance with subsection (d) of this section. Neither the Department of Insurance nor  
37 the Council shall be required to expend any monies to pay for the preparation of any  
38 fiscal note under this section by any person outside of the Department or Council unless  
39 the Department or Council contracts with a third-party vendor to prepare the fiscal note.

40 (b) Contents of the Code. – The North Carolina State Residential Building Code,  
41 as adopted by the Residential Building Code Council, may include reasonable and  
42 suitable classifications of buildings and structures as to both use and occupancy; general  
43 building restrictions as to location, height, and floor areas; requirements concerning  
44 means of egress from buildings and structures; requirements concerning means of

1 gress in buildings and structures; rules governing construction and precautions to be  
2 taken during construction; rules as to permissible materials, loads, and stresses; rules  
3 governing chimneys and other facilities connected with the buildings and structures; and  
4 any other reasonable rules pertaining to the construction of buildings and structures and  
5 the installation of particular facilities therein as may be found necessary for the  
6 protection of the occupants of the building or structure, its neighbors, and members of  
7 the public at large.

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

10 Nothing in this Article shall be construed to make any building rule applicable to  
11 farm buildings located outside the building-rules jurisdiction of any municipality.

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

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

25 For the information of users of the Code, the Code shall include as appendices any  
26 rule relating to sanitation adopted by the Commission for Health Services which the  
27 Residential Building Code Council believes pertinent.

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

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

43 (c) Standards to Be Followed in Adopting the Code. – The Council shall adopt  
44 the requirements of the International Building Code of the International Code Council.

1        (d) Amendments of the Code. – The Residential Building Code Council may  
2 revise and amend the North Carolina State Residential Building Code, either on its own  
3 motion or upon application from any citizen, State agency, or political subdivision of  
4 the State. In adopting any amendment, the Council shall comply with the same  
5 procedural requirements and the same standards set forth above for adoption of the  
6 Code.

7        Handbooks providing explanatory material on Code provisions shall be provided no  
8 later than 180 days following adoption of the Code and shall be updated with each  
9 revision of the Code or, in the discretion of the Council, more frequently. The available  
10 date of these handbooks shall be considered when an adoption date for the code has  
11 been set by the Council. The Department may charge a reasonable fee for the  
12 handbooks.

13        (e) Effect Upon Local Codes. – The North Carolina State Residential Building  
14 Code shall apply throughout the State, from the time of its adoption. Approved rules  
15 shall become effective in accordance with G.S. 150B-21.3. However, any political  
16 subdivision of the State may adopt a fire prevention code and floodplain management  
17 regulations within its jurisdiction. The territorial jurisdiction of any municipality or  
18 county for this purpose, unless otherwise specified by the General Assembly, shall be as  
19 follows: Municipal jurisdiction shall include all areas within the corporate limits of the  
20 municipality and extraterritorial jurisdiction areas established as provided in  
21 G.S. 160A-360 or a local act; county jurisdiction shall include all other areas of the  
22 county. No such code or regulations, other than floodplain management regulations and  
23 those permitted by G.S. 160A-436, shall be effective until they have been officially  
24 approved by the Building Code Council as providing adequate minimum standards to  
25 preserve and protect health and safety, in accordance with the provisions of subsection  
26 (c) of this section. Local floodplain regulations may regulate all types and uses of  
27 buildings or structures located in flood hazard areas identified by local, State, and  
28 federal agencies and include provisions governing substantial improvements, substantial  
29 damage, cumulative substantial improvements, lowest floor elevation, protection of  
30 mechanical and electrical systems, foundation construction, anchorage, acceptable flood  
31 resistant materials, and other measures the political subdivision deems necessary  
32 considering the characteristics of its flood hazards and vulnerability. In the absence of  
33 approval by the Residential Building Code Council, or in the event that approval is  
34 withdrawn, local fire prevention codes and regulations shall have no force and effect.  
35 Any local rule or regulation approved by the local governing body which is found by  
36 the Council to be more stringent than the adopted statewide fire prevention code and  
37 which is found to regulate only activities and conditions in buildings, structures, and  
38 premises that pose dangers of fire, explosion, or related hazards, and is not a matter in  
39 conflict with the State Residential Building Code, shall be approved.

40        (f) Publication and Distribution of Code. – The Residential Building Code  
41 Council shall cause to be printed, after adoption by the Council, the North Carolina  
42 State Residential Building Code and each amendment thereto. It shall, at the State's  
43 expense, distribute copies of the Code and each amendment to State and local  
44 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

Table listing various state departments and officials with their respective number of copies (e.g., Governor 1, Auditor 1, etc.).

Schools

All State-supported colleges and universities in the State of North Carolina \*1 each

Local Officials

Clerks of the Superior Courts 1 each
Chief Building Inspector of each incorporated municipality or county 1

In addition, the Residential Building Code Council shall make additional copies available at the price it deems reasonable to members of the general public.

(g) Violations. - Any person who violates this Article, except for violations of occupancy limits established by either, shall be guilty of a Class 3 misdemeanor and, upon conviction, shall only be punished by a fine not to exceed fifty dollars (\$50.00) for each offense. Each 30 days that the violation continues shall constitute a separate and distinct offense. Violation of occupancy limits established pursuant to this Article and set forth in the North Carolina State Residential Building Code shall be a Class 3

1 misdemeanor. Any violation incurred more than one year after another conviction for  
2 violation of the occupancy limits shall be treated as a first offense for purposes of  
3 establishing and imposing penalties.

4 **"§ 143-138.13 Enforcement of the North Carolina State Residential Building Code.**

5 (a) Procedural Requirements. – Subject to the provisions set forth herein, the  
6 Residential Building Code Council shall adopt procedural requirements in the North  
7 Carolina State Residential Building Code that are reasonably necessary for adequate  
8 enforcement of the Code while safeguarding the rights of persons subject to the Code.

9 (b) General Building Regulations. – The Commissioner of Insurance shall have  
10 general supervision, through the Division of Engineering of the Department of  
11 Insurance, of the administration and enforcement of all sections of the North Carolina  
12 State Residential Building Code pertaining to general building restrictions and  
13 regulations and the construction of buildings generally. The Commissioner of Insurance,  
14 by means of the Division of Engineering, shall exercise the Commissioner's duties in  
15 the enforcement of the North Carolina State Residential Building Code (including local  
16 building codes which have superseded the State Residential Building Code in a  
17 particular political subdivision pursuant to G.S. 143-138.12(e)) in cooperation with  
18 local officials and local inspectors duly appointed by the governing body of any  
19 municipality or board of county commissioners pursuant to Part 5 of Article 19 of  
20 Chapter 160A of the General Statutes, Part 4 of Article 18 of Chapter 153A of the  
21 General Statutes, or any other applicable statutory authority.

22 (c) Remedies. – In case any building or structure is maintained, erected,  
23 constructed, or reconstructed or its purpose altered so that it becomes in violation of this  
24 Article or of the North Carolina State Residential Building Code, either the local  
25 enforcement officer or the State Commissioner of Insurance or other State official with  
26 responsibility under this section may, in addition to other remedies, institute any  
27 appropriate action or proceeding to: (i) prevent the unlawful maintenance, erection,  
28 construction, or reconstruction or alteration of purpose, or overcrowding, (ii) restrain,  
29 correct, or abate the violation, or (iii) prevent the occupancy or use of the building,  
30 structure, or land until the violation is corrected. In addition to the civil remedies set out  
31 in G.S. 160A-175 and G.S. 153A-123, a county, city, or other political subdivision  
32 authorized to enforce the North Carolina State Residential Building Code within its  
33 jurisdiction may, for the purposes stated in (i) through (iii) of this subsection, levy a  
34 civil penalty for violation of the fire prevention code of the North Carolina State  
35 Residential Building Code, which penalty may be recovered in a civil action in the  
36 nature of debt if the offender does not pay the penalty within a prescribed period of time  
37 after the offender has been cited for the violation. If the Commissioner or other State  
38 official institutes an action or proceeding under this section, a county, city, or other  
39 political subdivision shall not institute a civil action under this section based upon the  
40 same violation. Appeals from the imposition of any remedy set forth herein, including  
41 the imposition of a civil penalty by a county, city, or other political subdivision, shall be  
42 as provided in G.S. 160A-434.

43 **"§ 143-138.14. Introduction and instruction of the North Carolina State**  
44 **Residential Building Code.**

1       Prior to the effective date of Code changes pursuant to G.S. 143-138.12, the  
2 Residential Building Code Council and Department of Insurance shall provide for  
3 instructional classes for the various trades affected by the Code. The Department of  
4 Insurance shall develop the curriculum for each class but shall consult the affected  
5 licensing boards and trade organizations. The curriculum shall include explanations of  
6 the rationale and need for each Code amendment or revision. Classes may also be  
7 conducted by, on behalf of, or in cooperation with licensing boards, trade associations,  
8 and professional societies. The Department of Insurance may charge fees sufficient to  
9 recover the costs it incurs under this section. The Council shall ensure that courses are  
10 accessible to persons throughout the State."

11       **SECTION 7.** G.S. 143-141(a) reads as rewritten:

12       "(a) Method of Appeal. – Whenever any person desires to take an appeal to the  
13 Building Code Council from the decision of a State enforcement agency relating to any  
14 matter under this Article or under the North Carolina State Building Code, he shall  
15 within 30 days after such decision give written notice to the Building Code Council  
16 through the Division of Engineering of the Department of Insurance that he desires to  
17 take an appeal. A copy of such notice shall be filed at the same time with the  
18 enforcement agency from which the appeal is taken. The chairman of the Building Code  
19 Council shall fix a reasonable time and place for a hearing, giving reasonable notice to  
20 the appellant and to the enforcement agency. Such hearing shall be not later than the  
21 next regular meeting of the Council. The Building Code Council shall thereupon  
22 conduct a full and complete hearing as to the matters in ~~controversy, after which it shall~~  
23 ~~within a reasonable time give~~ controversy. Within 30 business days after the completion  
24 of the hearing, the Council shall issue a written decision setting forth its findings of fact  
25 and its conclusions."

26       **SECTION 8.** The Building Code Council shall adopt rules or amend the  
27 North Carolina State Building Code consistent with Sections 3 through 6 of this act on  
28 or before October 1, 2008. The Department of Insurance shall adopt rules to implement  
29 this act and shall make recommendations, including legislative proposals for statutory  
30 revisions required to establish a separate State Building Code and Building Code  
31 Council for one-family and two-family residential structures. The Department shall  
32 report its recommendations to the General Assembly by March 1, 2008.

33       **SECTION 9.** Sections 1 through 6 of this act become effective October 1,  
34 2008, and apply to permits issued and offenses committed on or after that date. The  
35 remainder of this act is effective when it becomes law.