

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
Apr 2, 2013
S.B. 642
PRINCIPAL CLERK

S

D

SENATE DRS35227-MH-23 (01/24)

Short Title: Modifications/Certain Farm Buildings. (Public)

Sponsors: Senators Jackson, Cook, and Brock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT CERTAIN STRUCTURES FROM THE SPRINKLER SYSTEM
3 REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 143-138 reads as rewritten:

6 "§ 143-138. North Carolina State Building Code.

7 ...

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

21 (b1) Fire Protection; Smoke Detectors. – The Code may regulate activities and
22 conditions in buildings, structures, and premises that pose dangers of fire, explosion, or related
23 hazards. Such fire prevention code provisions shall be considered the minimum standards
24 necessary to preserve and protect public health and safety, subject to approval by the Council of
25 more stringent provisions proposed by a municipality or county as provided in G.S. 143-138(e).
26 These provisions may include regulations requiring the installation of either battery-operated or
27 electrical smoke detectors in every dwelling unit used as rental property, regardless of the date
28 of construction of the rental property. For dwelling units used as rental property constructed
29 prior to 1975, smoke detectors shall have an Underwriters' Laboratories, Inc., listing or other
30 equivalent national testing laboratory approval, and shall be installed in accordance with either
31 the standard of the National Fire Protection Association or the minimum protection designated
32 in the manufacturer's instructions, which the property owner shall retain or provide as proof of
33 compliance.

34 (b2) Carbon Monoxide Detectors. – The Code may contain provisions requiring the
35 installation of either battery-operated or electrical carbon monoxide detectors in every dwelling
36 unit having a fossil-fuel burning heater, appliance, or fireplace, and in any dwelling unit having



1 an attached garage. Carbon monoxide detectors shall be those listed by a nationally recognized
2 testing laboratory that is OSHA-approved to test and certify to American National Standards
3 Institute/Underwriters Laboratories Standards ANSI/UL2034 or ANSI/UL2075 and shall be
4 installed in accordance with either the standard of the National Fire Protection Association or
5 the minimum protection designated in the manufacturer's instructions, which the property
6 owner shall retain or provide as proof of compliance. A carbon monoxide detector may be
7 combined with smoke detectors if the combined detector does both of the following: (i)
8 complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide alarms and ANSI/UL217
9 for smoke detectors; and (ii) emits an alarm in a manner that clearly differentiates between
10 detecting the presence of carbon monoxide and the presence of smoke.

11 (b3) Applicability of the Code. – Except as provided by ~~subsection (e1)~~ subsections (b4)
12 and (c1) of this section, the Code may contain provisions regulating every type of building or
13 structure, wherever it might be situated in the State.

14 (b4) Exclusion for Certain Farm Buildings. – Building rules do not apply to (i) farm
15 buildings that are located outside the building-rules jurisdiction of any municipality, or (ii) farm
16 buildings that are located inside the building-rules jurisdiction of any municipality if the farm
17 buildings are greenhouses. For the purposes of this subsection:

18 (1) A "farm building" shall include any structure used or associated with equine
19 activities, including, but not limited to, the care, management, boarding, or
20 training of horses and the instruction and training of riders. Structures that
21 are associated with equine activities include, but are not limited to, free
22 standing or attached sheds, barns, or other structures that are utilized to store
23 any equipment, tools, commodities, or other items that are maintained or
24 used in conjunction with equine activities. The specific types of equine
25 activities, structures, and uses set forth in this subdivision are for illustrative
26 purposes, and should not be construed to limit, in any manner, the types of
27 activities, structures, or uses that may be considered under this subsection as
28 exempted from building rules. A farm building that might otherwise qualify
29 for exemption from building rules shall remain subject only to an annual
30 safety inspection by the applicable city or county building inspection
31 department of any grandstand, bleachers, or other spectator-seating
32 structures in the farm building. An annual safety inspection shall include an
33 evaluation of the overall safety of spectator-seating structures as well as
34 ensuring the spectator-seating structure's compliance with any building
35 codes related to the construction of spectator-seating structures in effect at
36 the time of the construction of the spectator-seating.

37 (2) A "greenhouse" is a structure that has a glass or plastic roof, has one or more
38 glass or plastic walls, has an area over ninety-five percent (95%) of which is
39 used to grow or cultivate plants, is built in accordance with the National
40 Greenhouse Manufacturers Association Structural Design manual, and is not
41 used for retail sales. Additional provisions addressing distinct life safety
42 hazards shall be approved by the local building-rules jurisdiction.

43 (3) A "farm building" shall include any structure used for the display and sale of
44 produce, no more than 1,000 square feet in size, open to the public for no
45 more than 180 days per year, and certified by the Department of Agriculture
46 and Consumer Services as a Certified Roadside Farm Market.

47 (b5) Exclusion for Certain Minor Activities in Residential and Farm Structures. – No
48 building permit shall be required under the Code or any local variance thereof approved under
49 subsection (e) for any construction, installation, repair, replacement, or alteration costing five
50 thousand dollars (\$5,000) or less in any single family residence or farm building unless the
51 work involves: the addition, repair, or replacement of load bearing structures; the addition

1 (excluding replacement of same capacity) or change in the design of plumbing; the addition,
2 replacement or change in the design of heating, air conditioning, or electrical wiring, devices,
3 fixtures (excluding repair or replacement of electrical lighting devices and fixtures of the same
4 type), appliances (excluding replacement of water heaters, provided that the energy use rate or
5 thermal input is not greater than that of the water heater which is being replaced, and there is no
6 change in fuel, energy source, location, capacity, or routing or sizing of venting and piping), or
7 equipment, the use of materials not permitted by the North Carolina Uniform Residential
8 Building Code; or the addition (excluding replacement of like grade of fire resistance) of
9 roofing. The exclusions from building permit requirements set forth in this paragraph for
10 electrical lighting devices and fixtures and water heaters shall apply only to work performed on
11 a one- or two-family dwelling. In addition, exclusions for electrical lighting devices and
12 fixtures and electric water heaters shall apply only to work performed by a person licensed
13 under G.S. 87-43 and exclusions for water heaters, generally, to work performed by a person
14 licensed under G.S. 87-21.

15 (b6) No State Agency Permit. – No building permit shall be required under such Code
16 from any State agency for the construction of any building or structure, the total cost of which
17 is less than twenty thousand dollars (\$20,000), except public or institutional buildings.

18 (b7) Appendices. – For the information of users thereof, the Code shall include as
19 appendices the following:

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

26 ~~(b7)~~ The Code may include references to such other rules of special types, such as those
27 of the Medical Care Commission and the Department of Public Instruction as may be useful to
28 persons using the Code. No rule issued by any agency other than the Building Code Council
29 shall be construed as a part of the Code, nor supersede that Code, it being intended that they be
30 presented with the Code for information only.

31 (b8) Exclusion for Certain Utilities. – Nothing in this Article shall extend to or be
32 construed as being applicable to the regulation of the design, construction, location, installation,
33 or operation of (1) equipment for storing, handling, transporting, and utilizing liquefied
34 petroleum gases for fuel purposes or anhydrous ammonia or other liquid fertilizers, except for
35 liquefied petroleum gas from the outlet of the first stage pressure regulator to and including
36 each liquefied petroleum gas utilization device within a building or structure covered by the
37 Code, or (2) equipment or facilities, other than buildings, of a public utility, as defined in
38 G.S. 62-3, or an electric or telephone membership corporation, including without limitation
39 poles, towers, and other structures supporting electric or communication lines.

40 (b9) Exclusion for Industrial Machinery. – Nothing in this Article shall extend to or be
41 construed as being applicable to the regulation of the design, construction, location, installation,
42 or operation of industrial machinery. However, if during the building code inspection process,
43 an electrical inspector has any concerns about the electrical safety of a piece of industrial
44 machinery, the electrical inspector may refer that concern to the Occupational Safety and
45 Health Division in the North Carolina Department of Labor but shall not withhold the
46 certificate of occupancy nor mandate third-party testing of the industrial machinery based
47 solely on this concern. For the purposes of this paragraph, "industrial machinery" means
48 equipment and machinery used in a system of operations for the explicit purpose of producing a
49 product or acquired by a State-supported center providing testing, research, and development
50 services to manufacturing clients. The term does not include equipment that is permanently
51 attached to or a component part of a building and related to general building services such as

1 ventilation, heating and cooling, plumbing, fire suppression or prevention, and general
2 electrical transmission.

3 (b10) Replacement Water Heaters. – The Code may contain rules concerning minimum
4 efficiency requirements for replacement water heaters, which shall consider reasonable
5 availability from manufacturers to meet installation space requirements and may contain rules
6 concerning energy efficiency that require all hot water plumbing pipes that are larger than
7 one-fourth of an inch to be insulated.

8 (b11) School Seclusion Rooms. – No State, county, or local building code or regulation
9 shall prohibit the use of special locking mechanisms for seclusion rooms in the public schools
10 approved under G.S. 115C-391.1(e)(1)e., provided that the special locking mechanism shall be
11 constructed so that it will engage only when a key, knob, handle, button, or other similar device
12 is being held in position by a person, and provided further that, if the mechanism is electrically
13 or electronically controlled, it automatically disengages when the building's fire alarm is
14 activated. Upon release of the locking mechanism by a supervising adult, the door must be able
15 to be opened readily.

16 (b12) Cisterns. – The Code may include rules pertaining to the construction or renovation
17 of residential or commercial buildings and structures that permit the use of cisterns to provide
18 water for flushing toilets and for outdoor irrigation. No State, county, or local building code or
19 regulation shall prohibit the use of cisterns to provide water for flushing toilets and for outdoor
20 irrigation. As used in this subsection, "cistern" means a storage tank that is watertight; has
21 smooth interior surfaces and enclosed lids; is fabricated from nonreactive materials such as
22 reinforced concrete, galvanized steel, or plastic; is designed to collect rainfall from a catchment
23 area; may be installed indoors or outdoors; and is located underground, at ground level, or on
24 elevated stands.

25 (b13) Migrant Housing. – The Council shall provide for an exemption from any
26 requirements in the fire prevention code for installation of an automatic sprinkler system
27 applicable to buildings meeting all of the following:

28 (1) Has one floor.

29 (2) Meets all requirements of 29 C.F.R. 1910.142, as amended.

30 (3) Meets all requirements of Article 19 of Chapter 95 of the General Statutes
31 and rules implementing that Article.

32 For purposes of this subsection, "migrant housing" and "migrant" shall be defined as in
33 G.S. 95-223.

34"

35 **SECTION 2.** This act becomes effective October 1, 2013.