

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 497

Short Title: Building Code Amendments.

(Public)

Sponsors: Senator Johnson of Wake.

Referred to: Judiciary III.

March 20, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS SUBSTANTIVE AND TECHNICAL CHANGES IN
THE BUILDING CODE LAWS.

The General Assembly of North Carolina enacts:

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

"ARTICLE 4.

"ELECTRICAL MATERIALS, DEVICES, APPLIANCES AND EQUIPMENT.

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

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

"§ 66-24. Identification marks required.

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

"§ 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 material 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 material 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) reads as rewritten:

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

42 In addition, the Code may regulate activities and conditions in buildings, structures,
43 and premises that pose dangers of fire, explosion, or related hazards.

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

3 Provided further, that nothing in this Article shall be construed to make any building
4 regulations applicable to farm buildings located outside the building-regulation
5 jurisdiction of any municipality; except for the electrical and plumbing systems of farm
6 buildings in all locations.

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

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

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

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

27 In addition, the Code may include references to such other regulations of special
28 types, such as those of the Medical Care Commission and the Department of Public
29 Instruction as may be useful to persons using the Code. No regulations issued by other
30 agencies than the Building Code Council shall be construed as a part of the Code, nor
31 supersede that Code, it being intended that they be presented with the Code for
32 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 (1)
35 equipment for storing, handling, transporting, and utilizing liquefied
36 petroleum gases for fuel purposes or anhydrous ammonia or other liquid fertilizers, or
37 (2) equipment or facilities, other than buildings, of a public utility, as defined in G.S.
38 62-3, or an electric or telephone membership corporation, including without limitation
39 poles, towers, and other structures supporting electric or communication lines.

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

43 Sec. 3. G.S. 143-38(f) is repealed.

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

1 **"§ 143-140. Hearings before enforcement agencies as to questions under Building**
2 **Code.**

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

- 14 (1) Appealing to the Building Code Council or
- 15 (2) Appealing directly to the ~~s~~Superior ~~e~~Court, as provided in G.S. 143-
16 141."

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

18 **"§ 153A-361. Stop orders.**

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

- 42 (1) Appealing to the Building Code Council, or
- 43 (2) Appealing to the Superior Court as provided in G.S.143-141.

44 Violation of a stop order constitutes a misdemeanor."

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

2 **"§ 160A-421. Stop orders.**

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

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

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

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

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

30 **"§ 153A-374. Appeals.**

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

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

39 **"§ 160A-434. Appeals in general.**

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

1 order, decision, or determination. Further appeals may be taken to the State Building
2 Code Council or to the courts as provided by law.”

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

4 **"§ 160A-436. Restrictions within primary fire limits.**

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

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

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

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

32 "(e) Effect upon Local Building Codes. – The North Carolina State Building Code
33 shall apply throughout the State, from the time of its adoption. However, any political
34 subdivision of the State may adopt a building code or building rules and regulations
35 governing construction or a fire prevention code within its jurisdiction. The territorial
36 jurisdiction of any municipality or county for this purpose, unless otherwise specified
37 by the General Assembly, shall be as follows: Municipal jurisdiction shall include all
38 areas within the corporate limits of the municipality; county jurisdiction shall include all
39 other areas of the county. No such ~~building~~ code or regulations shall be effective until
40 they have been officially approved by the Building Code Council as providing adequate
41 minimum standards to preserve and protect health and safety, in accordance with the
42 provisions of subsection (c) above. While it remains effective, such approval shall be
43 taken as conclusive evidence that a local code or local regulations supersede the State
44 Building Code in its particular political subdivision. Whenever the Building Code

1 Council adopts an amendment to the State Building Code, it shall consider any
2 previously approved local regulations dealing with the same general matters, and it shall
3 have authority to withdraw its approval of any such local code or regulations unless the
4 local governing body makes such appropriate amendments to that local code or
5 regulations as it may direct. In the absence of approval by the Building Code Council,
6 or in the event that approval is withdrawn, local codes and regulations shall have no
7 force and effect."

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

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

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

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

- 30 (1) Each school building shall be inspected to make certain that none of
31 the fire hazards enumerated in G.S. 115C-525(a)(1) through (5) exist,
32 and to insure the building and that all heating, mechanical, electrical,
33 gas, and other equipment and appliances are properly installed and
34 maintained in a safe and serviceable manner as prescribed by the North
35 Carolina Building Code. Following each inspection, the persons
36 making the inspection shall furnish to the principal of the school a
37 written report of conditions found during inspection, upon forms
38 furnished by the Commissioner of Insurance, and the persons making
39 the inspection shall also furnish a copy of the report to the
40 superintendent of schools; the superintendent shall keep such copy on
41 file for a period of three years. In addition to the periodic inspections
42 herein required, any alterations or additions to existing school
43 buildings or to school building utilities or appliances shall be inspected
44 immediately following completion.

- 1 (2) The board of county commissioners of each county shall designate the
2 persons to make the inspections and reports required by subdivision
3 (1) of this subsection. The board may designate any city or county
4 building inspector, any city or county fire prevention bureau, any city
5 or county electrical inspector, the county fire marshal, or any other
6 qualified persons, but no person shall make any ~~electrical~~ inspection
7 unless he shall be qualified as required by G.S. 153A-351.1 and
8 Section 7 of Chapter 531 of the 1977 Session Laws. Nothing in this
9 section shall be construed as prohibiting two or more counties from
10 designating the same persons to make the inspections and reports
11 required by subdivision (1) of this subsection. The board of county
12 commissioners shall compensate or provide for the compensation of
13 the persons designated to make all such inspections and reports. The
14 board of county commissioners may make appropriations in the
15 general fund of the county to meet the costs of such inspections, or in
16 the alternative the board may add appropriations to the school current
17 expense fund to meet the costs thereof: Provided, that if appropriations
18 are added to the school current expense fund, such appropriations shall
19 be in addition to and not in substitution of existing school current
20 expense appropriations.
- 21 (3) It shall be the duty of the Commissioner of Insurance, the
22 Superintendent of Public Instruction, and the State Board of Education
23 to prescribe any additional rules and regulations which they may deem
24 necessary in connection with such inspections and reports for the
25 reduction of fire hazards and protection of life and property in public
26 schools.
- 27 (4) It shall be the duty of each principal to make certain that all fire
28 hazards called to his attention in the course of the inspections and
29 reports required by subdivision (1) of this subsection are immediately
30 removed or corrected, if such removal or correction can be
31 accomplished by the principal. If such removal or correction cannot be
32 accomplished by the principal, it shall be the duty of the principal to
33 bring the matter to the attention of the superintendent.
- 34 (5) It shall be the duty of each superintendent of schools to make certain
35 that all fire hazards called to his attention in the course of the
36 inspections and reports required by subdivision (1) of this subsection
37 and not removed or corrected by the principals as required by
38 subdivision (4) of this subsection are removed or corrected, if such
39 removal or correction can be brought about within the current
40 appropriations available to the superintendent. Where any removal or
41 correction of a hazard will require the expenditure of funds in excess
42 of current appropriations, it shall be the duty of the superintendent to
43 bring the matter to the attention of the appropriate board of education,
44 and the board of education in turn shall bring the same to the attention

1 of the board of county commissioners, in order that immediate steps be
2 taken, within the framework of existing law, to remove or correct the
3 hazard."

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

5 **"§ 160A-292. Duties of fire chief.**

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

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

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

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

- 15 (1) 'Board' means the North Carolina Code Officials Qualification Board.
16 (2) 'Code' means the North Carolina State Building Code and related local
17 building rules approved by the Building Code Council heretofore or
18 hereinafter enacted, adopted or approved pursuant to G.S. 143-138.
19 (3) 'Code enforcement' means the examination and approval of plans and
20 specifications, or the inspection of the manner of construction,
21 workmanship, and materials for construction of buildings and
22 structures and components thereof, or the enforcement of fire code
23 regulations as an employee of the State or local government, except an
24 employee of the State Department of Labor engaged in the
25 administration and enforcement of those sections of the Code which
26 pertain to boilers and elevators, to assure compliance with the State
27 Building Code and related local building rules.
28 (4) 'Local inspection department' means the agency or agencies of local
29 government with authority to make inspections of buildings and to
30 enforce the Code and other laws, ordinances, and rules enacted by the
31 State and the local government which establish standards and
32 requirements applicable to the construction, alteration, repair, or
33 demolition of buildings, and conditions that may create hazards of fire,
34 explosion, or related hazards.
35 (5) 'Qualified Code-enforcement official' means a person qualified under
36 this Article to engage in the practice of Code enforcement."

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

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

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

42 "(c) A Code-enforcement official holding office as of the date specified in this
43 subsection for the county or municipality by which he is employed, shall not be required
44 to possess a standard certificate as a condition of tenure or continued employment but

1 shall be required to complete such in-service training as may be prescribed by the
 2 Board. At the earliest practicable date, such official shall receive from the Board a
 3 limited certificate qualifying him to engage in Code enforcement at the performance
 4 level and within the governmental jurisdiction in which he is employed. The limited
 5 certificate shall be valid only as an authorization for the official to continue in the
 6 position he held on the applicable date and shall become invalid if he does not complete
 7 in-service training within two years following the applicable date in the schedule below,
 8 according to the governmental jurisdiction's population as published in the 1970 U.S.
 9 Census:

10 Counties and Municipalities over 75,000 population – July 1, 1979

11 Counties and Municipalities between 50,001 and 75,000 – July 1, 1981

12 Counties and Municipalities between 25,001 and 50,000 – July 1, 1983

13 Counties and Municipalities 25,000 and under – July 1, 1985.

14 ~~An official~~ All fire prevention inspectors holding a limited certificate can be
 15 promoted to a position requiring a higher level certificate only upon issuance by the
 16 Board of a standard certificate or probationary certificate appropriate for such new
 17 position."

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

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

25 OFFICIAL OR AGENCY

NUMBER OF COPIES

26
 27 State Departments and Officials

28 Governor	1
29 Lieutenant Governor	1
30 Auditor	1
31 Treasurer	1
32 Secretary of State	1
33 Superintendent of Public Instruction	3-1
34 State Board of Education _____	2
35 Attorney General <u>(Library)</u>	5-1
36 Commissioner of Agriculture	1
37 Commissioner of Labor	3-1
38 Commissioner of Insurance	5-1
39 Department of Human Resources	
40 {Commission for Health Services} _____	10
41 Department of Human Resources	
42 {Commission for Medical Facility	
43 - Services and Licensure} _____	3-1
44 Board of Transportation	3-1

1	Adjutant General _____	1	
2	Utilities Commission	1	
3	Department of Administration	3-1	
4	Department of Conservation and Development	3	
5	Department of Human Resources		
6	[Social Services Commission] _____	7	
7	Justices of the Supreme Court _____	1 each	
8	Clerk of the Supreme Court	1	
9	Judges of the Court of Appeals _____	1 each	
10	Clerk of the Court of Appeals	1	
11	Judges-Clerk of the Superior Court	*	1 each
12	Emergency Judges of the Superior Court	*-1 each	
13	Special Judges of the Superior Court	*-1 each	
14	Solicitors of the Superior Court _____	*-1 each	
15	Department of Cultural Resources		
16	[State Library]	2-5	
17	Supreme Court Library	2	
18	State Senators _____	*	1
19		each	
20	Representatives of General Assembly	*	1
21		each	
22	Legislative Building-Library	1	
23	Other state-supported institutions,		
24	at the discretion of the Council _____	*	1 each
25	Schools		
26	University of North Carolina at Chapel Hill*	25	
27	North Carolina State University at Raleigh *	15	
28	North Carolina Agricultural and Technical		
29	State University _____	*	5
30	All other state-supported colleges and		
31	universities in the State of		
32	North Carolina	*	1
33		each	
34	Local Officials		
35	Clerks of the Superior Courts	1 each	
36	Registers of Deeds of the Counties _____	*	1 each
37	Chairman of the Boards of County		
38	Commissioners _____	*	1
39		each	
40	City Clerk of each incorporated		
41	municipality _____	1 each	
42	Chief Building Inspector of each		
43	incorporated municipality or county	*	1

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

3 Sec. 19. Sections 14 through 17 shall become effective upon the adoption of
4 fire protection code provisions by the North Carolina Building Code Council.

5 Sec. 20. This act is effective upon ratification.