

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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

1 **"§ 66-25. Acceptable listings as to safety of goods.**

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

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

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

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

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

39 In the event that the Commissioner determines that electrical materials, devices,  
40 appliances, or equipment in question cannot be adequately evaluated through the use of  
41 approved national standards or by approved qualified testing laboratories, the  
42 Engineering Division of the Department of Insurance shall specify any alternative  
43 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.

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

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

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

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

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

36 Nothing in this Article shall extend to or be construed as being applicable to the  
37 regulation of the design, construction, location, installation, or operation of (1)  
38 equipment for storing, handling, transporting, and utilizing liquefied  
39 petroleum gases for fuel purposes or anhydrous ammonia or other liquid fertilizers  
40 except for liquefied petroleum gas from the outlet of the first stage pressure regulator to  
41 and including each liquefied petroleum gas utilization device within a building or  
42 structure covered by the Code, or (2) equipment or facilities, other than buildings, of a  
43 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		<del>3</del> <u>1</u>	
3	<del>State Board of Education</del> —————		<del>2</del>	
4	Attorney General(Library)		<del>5</del> <u>1</u>	
5	Commissioner of Agriculture		1	
6	Commissioner of Labor		<del>3</del> <u>1</u>	
7	Commissioner of Insurance		<del>5</del> <u>1</u>	
8	<del>Department of Human Resources</del>			
9	<del>[Commission for Health Services]</del>		10	
10	Department of Human Resources			
11	<del>[Commission for Medical Facility</del>			
12	<del>Services and Licensure]</del> —————		<del>3</del> <u>1</u>	
13	Board of Transportation		<del>3</del> <u>1</u>	
14	<del>Adjutant General</del> —————		<del>1</del>	
15	Utilities Commission		1	
16	Department of Administration		<del>3</del> <u>1</u>	
17	<del>Department of Conservation and Development</del> —		3	
18	<del>Department of Human Resources</del>			
19	<del>[Social Services Commission]</del> —————		7	
20	<del>Justices of the Supreme Court</del> —————		<del>1</del> each	
21	Clerk of the Supreme Court		1	
22	<del>Judges of the Court of Appeals</del> —————		<del>1</del> each	
23	Clerk of the Court of Appeals		1	
24	<del>Judges-Clerk of the Superior Court</del>	*	1 each	
25	<del>Emergency Judges of the Superior Court</del> —	*	<del>1</del> each	
26	<del>Special Judges of the Superior Court</del>	*	<del>1</del> each	
27	<del>Solicitors of the Superior Court</del>	*	<del>1</del> each	
28	Department of Cultural Resources			
29	[State Library]		<del>2</del> <u>5</u>	
30	Supreme Court Library		2	
31	<del>State Senators</del>	*	<del>1</del> each	
32	<del>Representatives of General Assembly</del>	*	<del>1</del> each	
33	Legislative Building-Library		1	
34	<del>Other state-supported institutions;</del>			
35	<del>at the discretion of the Council</del>	*	<del>1</del> each	
36	Schools			
37	<del>University of North Carolina at Chapel Hill</del>	*		25
38	<del>North Carolina State University at Raleigh</del>	*		15
39	<del>North Carolina Agricultural and Technical</del>			
40	<del>State University</del>	*	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	<del>Registers of Deeds of the Counties</del>	<del>*</del>	<del>1 each</del>
3	<del>Chairman of the Boards of County</del>		
4	<del>Commissioners</del>	<del>*</del>	<del>1 each</del>
5	<del>City Clerk of each incorporated</del>		
6	<del>municipality</del>		<del>1 each</del>
7	Chief Building Inspector of each		
8	incorporated municipality or county	<del>*</del>	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.