

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 999*

Short Title: Building Code - Industrial Machinery. (Public)

Sponsors: Representatives Carney, Saunders (Primary Sponsors); Blackwood and Hilton.

Referred to: Judiciary II.

March 26, 2007

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT INDUSTRIAL MACHINERY IS NOT SUBJECT TO
2 REGULATION UNDER THE BUILDING CODE.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 143-138(b) reads as rewritten:

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

20 In addition, the Code may regulate activities and conditions in buildings, structures,
21 and premises that pose dangers of fire, explosion, or related hazards. Such fire
22 prevention code provisions shall be considered the minimum standards necessary to
23 preserve and protect public health and safety, subject to approval by the Council of
24 more stringent provisions proposed by a municipality or county as provided in
25 G.S. 143-138(e). These provisions may include regulations requiring the installation of
26 either battery-operated or electrical smoke detectors in every dwelling unit used as
27 rental property, regardless of the date of construction of the rental property. For
28 dwelling units used as rental property constructed prior to 1975, smoke detectors shall

1 have an Underwriters' Laboratories, Inc., listing or other equivalent national testing
2 laboratory approval, and shall be installed in accordance with either the standard of the
3 National Fire Protection Association or the minimum protection designated in the
4 manufacturer's instructions, which the property owner shall retain or provide as proof of
5 compliance.

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

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

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

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

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

- 25 (1) Any rules governing boilers adopted by the Board of Boiler and
26 Pressure Vessels Rules,
- 27 (2) Any rules relating to the safe operation of elevators adopted by the
28 Commissioner of Labor, and
- 29 (3) Any rules relating to sanitation adopted by the Commission for Health
30 Services which the Building Code Council believes pertinent.

31 In addition, the Code may include references to such other rules of special types,
32 such as those of the Medical Care Commission and the Department of Public Instruction
33 as may be useful to persons using the Code. No rule issued by any agency other than the
34 Building Code Council shall be construed as a part of the Code, nor supersede that
35 Code, it being intended that they be presented with the Code for 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 petroleum gases
39 for fuel purposes or anhydrous ammonia or other liquid fertilizers, except for liquefied
40 petroleum gas from the outlet of the first stage pressure regulator to and including each
41 liquefied petroleum gas utilization device within a building or structure covered by the
42 Code, or (2) equipment or facilities, other than buildings, of a public utility, as defined
43 in G.S. 62-3, or an electric or telephone membership corporation, including without

1 limitation poles, towers, and other structures supporting electric or communication
2 lines.

3 Nothing in this Article shall extend to or be construed as being applicable to the
4 regulation of the design, construction, location, installation, or operation of industrial
5 machinery. For the purposes of this paragraph, 'industrial machinery' means equipment
6 and machinery used in a system of operations for the explicit purpose of producing a
7 product. The term does not include equipment that is permanently attached to or a
8 component part of a building and related to general building services such as
9 ventilation, heating and cooling, plumbing, fire suppression or prevention, and general
10 electrical transmission.

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

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

22 **SECTION 2.** This act becomes effective October 1, 2007.