



1 G.S. 150B-21.4(b1), or that increases the cost of residential housing by eighty dollars (\$80.00)  
2 or more per housing unit. The change can become effective only in accordance with  
3 G.S. 143-138(d). Neither the Department of Insurance nor the Council shall be required to  
4 expend any monies to pay for the preparation of any fiscal note under this section by any  
5 person outside of the Department or Council unless the Department or Council contracts with a  
6 third-party vendor to prepare the fiscal note.

7 (b) Contents of the Code. – The North Carolina State Building Code, as adopted by the  
8 Building Code Council, may include reasonable and suitable classifications of buildings and  
9 structures, both as to use and occupancy; general building restrictions as to location, height, and  
10 floor areas; rules for the lighting and ventilation of buildings and structures; requirements  
11 concerning means of egress from buildings and structures; requirements concerning means of  
12 ingress in buildings and structures; rules governing construction and precautions to be taken  
13 during construction; rules as to permissible materials, loads, and stresses; rules governing  
14 chimneys, heating appliances, elevators, and other facilities connected with the buildings and  
15 structures; rules governing plumbing, heating, air conditioning for the purpose of comfort  
16 cooling by the lowering of temperature, and electrical systems; and such other reasonable rules  
17 pertaining to the construction of buildings and structures and the installation of particular  
18 facilities therein as may be found reasonably necessary for the protection of the occupants of  
19 the 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, and  
21 premises that pose dangers of fire, explosion, or related hazards. Such fire prevention code  
22 provisions shall be considered the minimum standards necessary to preserve and protect public  
23 health and safety, subject to approval by the Council of more stringent provisions proposed by  
24 a municipality or county as provided in G.S. 143-138(e). ~~These provisions may include  
25 regulations requiring the installation of either battery-operated or electrical smoke detectors in  
26 every dwelling unit used as rental property, regardless of the date of construction of the rental  
27 property. For dwelling units used as rental property constructed prior to 1975, smoke detectors  
28 shall have an Underwriters' Laboratories, Inc., listing or other equivalent national testing  
29 laboratory approval, and shall be installed in accordance with either the standard of the  
30 National Fire Protection Association or the minimum protection designated in the  
31 manufacturer's instructions, which the property owner shall retain or provide as proof of  
32 compliance.~~

33 The Code may contain provisions requiring the installation of either battery-operated or  
34 electrical smoke detectors in every dwelling unit that is either (i) used as rental property, or (ii)  
35 that contains a fossil fuel-burning heater or appliance, fireplace, or an attached garage. The  
36 smoke detectors shall utilize either photoelectric or dual ionization and photoelectric sensor  
37 technology and shall be those listed by a nationally recognized testing laboratory that is  
38 OSHA-approved to test and certify to American National Standards Institute/Underwriters  
39 Laboratories Standards ANSI/UL217 and shall be installed in accordance with either the  
40 standard of the National Fire Protection Association or the minimum protection designated in  
41 the manufacturer's instructions, which the property owner shall retain or provide as proof of  
42 compliance. For purposes of this section, "photoelectric technology" or "photoelectric smoke  
43 detector technology" means a smoke detector that uses a light source and a photodetector to  
44 detect the presence of smoke.

45 The Code may contain provisions requiring the installation of either battery-operated or  
46 electrical carbon monoxide detectors in every dwelling unit having a fossil-fuel burning heater  
47 or appliance, fireplace, or an attached garage. Carbon monoxide detectors shall be those listed  
48 by a nationally recognized testing laboratory that is OSHA-approved to test and certify to  
49 American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or  
50 ANSI/UL2075 and shall be installed in accordance with either the standard of the National Fire  
51 Protection Association or the minimum protection designated in the manufacturer's

1 instructions, which the property owner shall retain or provide as proof of compliance. A carbon  
2 monoxide detector may be combined with smoke detectors if the combined detector does both  
3 of the following: (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide  
4 alarms and ANSI/UL217 for smoke detectors; and (ii) emits an alarm in a manner that clearly  
5 differentiates between detecting the presence of carbon monoxide and the presence of smoke.

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

8 Provided further, that building rules do not apply to (i) farm buildings that are located  
9 outside the building-rules jurisdiction of any municipality, or (ii) farm buildings that are located  
10 inside the building-rules jurisdiction of any municipality if the farm buildings are greenhouses.  
11 A "greenhouse" is a structure that has a glass or plastic roof, has one or more glass or plastic  
12 walls, has an area over ninety-five percent (95%) of which is used to grow or cultivate plants, is  
13 built in accordance with the National Greenhouse Manufacturers Association Structural Design  
14 manual, and is not used for retail sales. Additional provisions addressing distinct life safety  
15 hazards shall be approved by the local building-rules jurisdiction.

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

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

28 For the information of users thereof, the Code shall include as appendices [the following:]

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

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

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

49 Nothing in this Article shall extend to or be construed as being applicable to the regulation  
50 of the design, construction, location, installation, or operation of industrial machinery.  
51 However, if during the building code inspection process, an electrical inspector has any

1 concerns about the electrical safety of a piece of industrial machinery, the electrical inspector  
2 may refer that concern to the Occupational Safety and Health Division in the North Carolina  
3 Department of Labor but shall not withhold the certificate of occupancy nor mandate  
4 third-party testing of the industrial machinery based solely on this concern. For the purposes of  
5 this paragraph, "industrial machinery" means equipment and machinery used in a system of  
6 operations for the explicit purpose of producing a product. The term does not include  
7 equipment that is permanently attached to or a component part of a building and related to  
8 general building services such as ventilation, heating and cooling, plumbing, fire suppression or  
9 prevention, and general electrical transmission.

10 In addition, the Code may contain rules concerning minimum efficiency requirements for  
11 replacement water heaters, which shall consider reasonable availability from manufacturers to  
12 meet installation space requirements and may contain rules concerning energy efficiency that  
13 require all hot water plumbing pipes that are larger than one-fourth of an inch to be insulated.

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 constructed so  
17 that it will engage only when a key, knob, handle, button, or other similar device is being held  
18 in position by a person, and provided further that, if the mechanism is electrically or  
19 electronically controlled, it automatically disengages when the building's fire alarm is activated.  
20 Upon release of the locking mechanism by a supervising adult, the door must be able to be  
21 opened readily."

22 **SECTION 2.** This act becomes effective January 1, 2011, and applies to new  
23 dwellings constructed on or after that date, existing dwellings sold on or after that date, or  
24 rental housing for which a lease is signed or renewed on or after that date.