

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 1127

Short Title: Allow Greater Local Energy Efficiency Stds. (Public)

Sponsors: Representatives Insko; Fisher, Harrison, Luebke, and Weiss.

Referred to: Energy and Energy Efficiency, if favorable, State Government/State Personnel.

April 7, 2009

A BILL TO BE ENTITLED
AN ACT TO ALLOW ADOPTION OF MORE STRINGENT BUILDING CODE
PROVISIONS RELATED TO ENERGY CONSERVATION BY POLITICAL
SUBDIVISIONS OF THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-138(e) reads as rewritten:
"§ 143-138. North Carolina State Building Code.

...

(e) Effect upon Local Codes. – The North Carolina State Building Code shall apply throughout the State, from the time of its adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any political subdivision of the State may adopt a fire prevention ~~code and code~~, floodplain management ~~regulations~~–regulations, or energy conservation standards within its jurisdiction. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within the corporate limits of the municipality and extraterritorial jurisdiction areas established as provided in G.S. 160A-360 or a local act; county jurisdiction shall include all other areas of the county. No such code or regulations, other than floodplain management regulations and those permitted by G.S. 160A-436, shall be effective until they have been officially approved by the Building Code Council as providing adequate minimum standards to preserve and protect health and safety, in accordance with the provisions of subsection (c) above. Local floodplain regulations may regulate all types and uses of buildings or structures located in flood hazard areas identified by local, State, and federal agencies, and include provisions governing substantial improvements, substantial damage, cumulative substantial improvements, lowest floor elevation, protection of mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant materials, and other measures the political subdivision deems necessary considering the characteristics of its flood hazards and vulnerability. In the absence of approval by the Building Code Council, or in the event that approval is withdrawn, local fire prevention and energy conservation codes and regulations shall have no force and effect. ~~Provided any local regulations~~Review and approval of local fire prevention and energy conservation codes and regulations by the Building Code Council shall be according to the following standards:

- (1) Fire prevention codes approved by the local governing body which are found by the Council to be more stringent than the adopted statewide fire prevention code and which are found to regulate only activities and conditions in buildings, structures, and premises that pose dangers of fire,



1 explosion or related hazards, and are not matters in conflict with the State
2 Building Code, shall be approved.

3 (2) Energy conservation codes and regulations approved by the local governing
4 body shall be approved only if the Council finds that they meet all of the
5 following criteria:

6 a. The codes and regulations are as stringent or more stringent than the
7 adopted statewide energy conservation code.

8 b. The codes and regulations are not matters in conflict with other
9 provisions of the State Building Code.

10 c. The codes and regulations meet all other requirements for adoption
11 of local codes set forth by this subsection.

12 Local governments may enforce the fire prevention code of the State Building Code using
13 civil remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner
14 of Insurance or other State official with responsibility for enforcement of the Code institutes a
15 civil action pursuant to G.S. 143-139, a local government may not institute a civil action under
16 G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the
17 assessment or imposition of such civil remedies shall be as provided in G.S. 160A-434.

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19 **SECTION 2.** This act is effective when it becomes law and applies to any energy
20 conservation code adopted by political subdivisions of the State after that date.