

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1409
Committee Substitute Favorable 5/7/09
Committee Substitute #2 Favorable 5/13/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H1409-PCS50746-RO-62

Short Title: Building Code Exclusion/Certain Wiring.

(Public)

Sponsors:

Referred to:

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES
3 AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING
4 PERMITTING REQUIREMENTS.

5 The General Assembly of North Carolina enacts:

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

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.



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1 The Code may contain provisions requiring the installation of either battery-operated or
2 electrical carbon monoxide detectors in every dwelling unit having a fossil-fuel burning heater
3 or appliance, fireplace, or an attached garage. Carbon monoxide detectors shall be those listed
4 by a nationally recognized testing laboratory that is OSHA-approved to test and certify to
5 American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or
6 ANSI/UL2075 and shall be installed in accordance with either the standard of the National Fire
7 Protection Association or the minimum protection designated in the manufacturer's
8 instructions, which the property owner shall retain or provide as proof of compliance. A carbon
9 monoxide detector may be combined with smoke detectors if the combined detector does both
10 of the following: (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide
11 alarms and ANSI/UL217 for smoke detectors; and (ii) emits an alarm in a manner that clearly
12 differentiates between detecting the presence of carbon monoxide and the presence of smoke.

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

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

23 Provided further, that no building permit shall be required under the Code or any local
24 variance thereof approved under subsection (e) for any construction, installation, repair,
25 replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family
26 residence or farm building unless the work involves: the addition, repair, or replacement of load
27 bearing structures; the addition (excluding replacement of same ~~size and capacity~~) or change in
28 the design of plumbing; the addition, replacement or change in the design of heating, air
29 conditioning, or electrical wiring, devices, fixtures (excluding repair or replacement of
30 electrical lighting devices and fixtures of the same type), appliances, appliances (excluding
31 replacement of electric water heaters, provided that the energy use rate is not greater than that
32 of the water heater which is being replaced, and there is no change in location, capacity, type,
33 or routing or sizing of piping), or equipment, the use of materials not permitted by the North
34 Carolina Uniform Residential Building Code; or the addition (excluding replacement of like
35 grade of fire resistance) of roofing. The exclusions from building permit requirements set forth
36 in this paragraph for electrical lighting devices and fixtures and water heaters shall apply only
37 to work performed on a one- or two-family dwelling. In addition, exclusions for electrical
38 lighting devices and fixtures and electric water heaters shall apply only to work performed by a
39 person licensed under G.S. 87-43.

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

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

- 44 (1) Any rules governing boilers adopted by the Board of Boiler and Pressure
45 Vessels Rules,
- 46 (2) Any rules relating to the safe operation of elevators adopted by the
47 Commissioner of Labor, and
- 48 (3) Any rules relating to sanitation adopted by the Commission for Public
49 Health which the Building Code Council believes pertinent.

50 In addition, the Code may include references to such other rules of special types, such as
51 those of the Medical Care Commission and the Department of Public Instruction as may be

1 useful to persons using the Code. No rule issued by any agency other than the Building Code
2 Council shall be construed as a part of the Code, nor supersede that Code, it being intended that
3 they be presented with the Code for information only.

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

13 Nothing in this Article shall extend to or be construed as being applicable to the regulation
14 of the design, construction, location, installation, or operation of industrial machinery.
15 However, if during the building code inspection process, an electrical inspector has any
16 concerns about the electrical safety of a piece of industrial machinery, the electrical inspector
17 may refer that concern to the Occupational Safety and Health Division in the North Carolina
18 Department of Labor but shall not withhold the certificate of occupancy nor mandate
19 third-party testing of the industrial machinery based solely on this concern. For the purposes of
20 this paragraph, "industrial machinery" means equipment and machinery used in a system of
21 operations for the explicit purpose of producing a product. The term does not include
22 equipment that is permanently attached to or a component part of a building and related to
23 general building services such as ventilation, heating and cooling, plumbing, fire suppression or
24 prevention, and general electrical transmission.

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

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

37 **SECTION 2.** G.S. 153A-357(a) reads as rewritten:

38 "(a) No person may commence or proceed with any of the following without first
39 securing from the inspection department with jurisdiction over the site of the work each permit
40 required by the State Building Code and any other State or local law or local ordinance or
41 regulation applicable to the work:

- 42 (1) The construction, reconstruction, alteration, repair, movement to another
43 site, removal, or demolition of any ~~building;~~building.
- 44 (2) The installation, extension, or general repair of any plumbing ~~system;~~system
45 except that in any one- or two-family dwelling unit, a permit shall not be
46 required for the connection of existing water piping to an electric water
47 heater that is being replaced, provided that the energy use rate is not greater
48 than that of the water heater which is being replaced, there is no change in
49 location, capacity, type, or routing or sizing of piping, and the replacement is
50 installed in accordance with the current edition of the State Building Code.

- 1 (3) The installation, extension, alteration, or general repair of any heating or
2 cooling equipment ~~system; or system.~~
- 3 (4) The installation, extension, alteration, or general repair of any electrical
4 wiring, devices, appliances, or equipment except that in any one- or
5 two-family dwelling unit a permit shall not be required for repair or
6 replacement of electrical lighting fixtures or devices, such as receptacles and
7 lighting switches, or for the connection of an existing branch circuit to an
8 electric water heater that is being replaced, provided that all of the following
9 requirements are met:
- 10 a. With respect to electric water heaters, the replacement water heater is
11 placed in the same location and is of the same capacity and electrical
12 rating as the original.
- 13 b. With respect to electrical lighting fixtures and devices, the
14 replacement is with a fixture or device having the same voltage and
15 amperage.
- 16 c. The work is performed by a person licensed under G.S. 87-43.
- 17 d. The repair or replacement installation meets the current edition of the
18 State Building Code, including the State Electrical Code.

19 ~~without first securing from the inspection department with jurisdiction over the site of the work~~
20 ~~each permit required by the State Building Code and any other State or local law or local~~
21 ~~ordinance or regulation applicable to the work.~~ A permit shall be in writing and shall contain a
22 provision that the work done shall comply with the State Building Code and all other applicable
23 State and local laws and local ordinances and regulations. Nothing in this section shall require a
24 county to review and approve residential building plans submitted to the county pursuant to
25 Section R-110 of Volume VII of the North Carolina State Building Code; provided that the
26 county may review and approve such residential building plans as it deems necessary. No
27 permit may be issued unless the plans and specifications are identified by the name and address
28 of the author thereof; and if the General Statutes of North Carolina require that plans for certain
29 types of work be prepared only by a registered architect or registered engineer, no permit may
30 be issued unless the plans and specifications bear the North Carolina seal of a registered
31 architect or of a registered engineer. If a provision of the General Statutes of North Carolina or
32 of any ordinance requires that work be done by a licensed specialty contractor of any kind, no
33 permit for the work may be issued unless the work is to be performed by such a duly licensed
34 contractor. No permit issued under Articles 9 or 9C of G.S. Chapter 143 shall be required for
35 any construction, installation, repair, replacement, or alteration costing five thousand dollars
36 (\$5,000) or less in any single-family residence or farm building unless the work involves: the
37 addition, repair or replacement of load bearing structures; the addition (excluding replacement
38 of same size and capacity) or change in the design of plumbing; the addition, replacement or
39 change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or
40 equipment; the use of materials not permitted by the North Carolina Uniform Residential
41 Building Code; or the addition (excluding replacement of like grade of fire resistance) of
42 roofing. Violation of this section constitutes a Class 1 misdemeanor."

43 **SECTION 3.** G.S. 160A-417(a) reads as rewritten:

44 "(a) No person shall commence or proceed ~~with~~ with any of the following without first
45 securing from the inspection department with jurisdiction over the site of the work any and all
46 permits required by the State Building Code and any other State or local laws applicable to the
47 work:

- 48 (1) The construction, reconstruction, alteration, repair, movement to another
49 site, removal, or demolition of any building or ~~structure;~~ structure.
- 50 (2) The installation, extension, or general repair of any plumbing ~~system;~~ system
51 except that in any one- or two-family dwelling unit, a permit shall not be

1 required for the connection of existing water piping to an electric water
2 heater that is being replaced, provided that the energy use rate is not greater
3 than that of the water heater which is being replaced, there is no change in
4 location, capacity, type, or routing or sizing of piping, and the replacement is
5 installed in accordance with the current edition of the State Building Code.

6 (3) The installation, extension, alteration, or general repair of any heating or
7 cooling equipment ~~system, or system.~~

8 (4) The installation, extension, alteration, or general repair of any electrical
9 wiring, devices, appliances, or equipment, except that in any one- or
10 two-family dwelling unit a permit shall not be required for repair or
11 replacement of electrical lighting fixtures or devices, such as receptacles and
12 lighting switches, or for the connection of an existing branch circuit to an
13 electric water heater that is being replaced, provided that all of the following
14 requirements are met:

15 a. With respect to electric water heaters, the replacement water heater is
16 placed in the same location and is of the same capacity and electrical
17 rating as the original.

18 b. With respect to electrical lighting fixtures and devices, the
19 replacement is with a fixture or device having the same voltage and
20 amperage.

21 c. The work is performed by a person licensed under G.S. 87-43.

22 d. The repair or replacement installation meets the current edition of the
23 State Building Code, including the State Electrical Code.

24 ~~without first securing from the inspection department with jurisdiction over the site of the work~~
25 ~~any and all permits required by the State Building Code and any other State or local laws~~
26 ~~applicable to the work.~~ A permit shall be in writing and shall contain a provision that the work
27 done shall comply with the State Building Code and all other applicable State and local laws.
28 Nothing in this section shall require a city to review and approve residential building plans
29 submitted to the city pursuant to Section R-110 of Volume VII of the North Carolina State
30 Building Code; provided that the city may review and approve such residential building plans
31 as it deems necessary. No permits shall be issued unless the plans and specifications are
32 identified by the name and address of the author thereof, and if the General Statutes of North
33 Carolina require that plans for certain types of work be prepared only by a registered architect
34 or registered engineer, no permit shall be issued unless the plans and specifications bear the
35 North Carolina seal of a registered architect or of a registered engineer. When any provision of
36 the General Statutes of North Carolina or of any ordinance requires that work be done by a
37 licensed specialty contractor of any kind, no permit for the work shall be issued unless the work
38 is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C
39 of Chapter 143 shall be required for any construction, installation, repair, replacement, or
40 alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm
41 building unless the work involves: the addition, repair or replacement of load bearing
42 structures; the addition (excluding replacement of same size and capacity) or change in the
43 design of plumbing; the addition, replacement or change in the design of heating, air
44 conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not
45 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding
46 replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute
47 a Class 1 misdemeanor."

48 **SECTION 4.** This act becomes effective October 1, 2009.