

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 780  
PROPOSED COMMITTEE SUBSTITUTE H780-PCS50554-RK-14

Short Title: Building Code/Exempt Equestrian Arenas.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE NORTH CAROLINA BUILDING CODE EXEMPTION FOR FARM BUILDINGS TO INCLUDE EQUINE ARENAS USED FOR LESSONS OFFERED TO THE GENERAL PUBLIC, AND OTHER EQUINE ACTIVITIES, BUT NOT FOR SPECTATOR EVENTS.

The General Assembly of North Carolina enacts:

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

"§ 143-138. North Carolina State Building Code.

...

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

~~(b1)~~In addition, the Code may regulate activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion, or related hazards. Such fire prevention code provisions shall be considered the minimum standards necessary to preserve and protect public health and safety, subject to approval by the Council of more stringent provisions proposed by a municipality or county as provided in G.S. 143-138(e). These provisions may include regulations requiring the installation of either battery-operated or electrical smoke detectors in every dwelling unit used as rental property, regardless of the date of construction of the rental property. For dwelling units used as rental property constructed prior to 1975, smoke detectors shall have an Underwriters' Laboratories, Inc., listing or other equivalent national testing laboratory approval, and shall be installed in accordance with either the standard of the National Fire Protection Association or the minimum protection designated in the



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1 manufacturer's instructions, which the property owner shall retain or provide as proof of  
2 compliance.

3 (b2) The Code may contain provisions requiring the installation of either  
4 battery-operated or electrical carbon monoxide detectors in every dwelling unit having a  
5 fossil-fuel burning heater or appliance, fireplace, or an attached garage. Carbon monoxide  
6 detectors shall be those listed by a nationally recognized testing laboratory that is  
7 OSHA-approved to test and certify to American National Standards Institute/Underwriters  
8 Laboratories Standards ANSI/UL2034 or ANSI/UL2075 and shall be installed in accordance  
9 with either the standard of the National Fire Protection Association or the minimum protection  
10 designated in the manufacturer's instructions, which the property owner shall retain or provide  
11 as proof of compliance. A carbon monoxide detector may be combined with smoke detectors if  
12 the combined detector does both of the following: (i) complies with ANSI/UL2034 or  
13 ANSI/UL2075 for carbon monoxide alarms and ANSI/UL217 for smoke detectors; and (ii)  
14 emits an alarm in a manner that clearly differentiates between detecting the presence of carbon  
15 monoxide and the presence of smoke.

16 (b3) The Code may contain provisions regulating every type of building or structure,  
17 wherever it might be situated in the State.

18 (b4) ~~Provided further, that building~~ Building rules do not apply to (i) farm buildings that are  
19 located outside the building-rules jurisdiction of any municipality, or (ii) farm buildings that are  
20 located inside the building-rules jurisdiction of any municipality if the farm buildings are  
21 greenhouses. For the purposes of this subsection:

22 (1) A "farm building" shall include any structure used or associated with equine  
23 activities, including, but not limited to, the care, management, boarding, or  
24 training of horses, and the instruction and training of riders. Structures that  
25 are associated with equine activities include, but are not limited to, free  
26 standing or attached sheds, barns, or other structures that are utilized to store  
27 any equipment, tools, commodities, or other items that are maintained or  
28 used in conjunction with equine activities. The specific types of equine  
29 activities, structures, and uses set forth in this subdivision are for illustrative  
30 purposes, and should not be construed to limit, in any manner, the types of  
31 activities, structures, or uses that may be considered under this subsection as  
32 exempted from building rules. A farm building that might otherwise qualify  
33 for exemption from building rules shall not be exempt if it is used for a  
34 spectator event and more than 10 members of the public are present at the  
35 farm building for the event.

36 (2) A "greenhouse" is a structure that has a glass or plastic roof, has one or more  
37 glass or plastic walls, has an area over ninety-five percent (95%) of which is  
38 used to grow or cultivate plants, is built in accordance with the National  
39 Greenhouse Manufacturers Association Structural Design manual, and is not  
40 used for retail sales. Additional provisions addressing distinct life safety  
41 hazards shall be approved by the local building-rules jurisdiction.

42 (b5) ~~Provided further, that no~~ No building permit shall be required under the Code or any  
43 local variance thereof approved under subsection (e) for any construction, installation, repair,  
44 replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family  
45 residence or farm building unless the work involves: the addition, repair, or replacement of load  
46 bearing structures; the addition (excluding replacement of same size and capacity) or change in  
47 the design of plumbing; the addition, replacement or change in the design of heating, air  
48 conditioning, or electrical wiring, devices, appliances, or equipment, the use of materials not  
49 permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding  
50 replacement of like grade of fire resistance) of roofing.

1        ~~(b6) Provided further, that no~~ No building permit shall be required under such Code from  
2 any State agency for the construction of any building or structure, the total cost of which is less  
3 than twenty thousand dollars (\$20,000), except public or institutional buildings.

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

- 5            (1) Any rules governing boilers adopted by the Board of Boiler and Pressure  
6                    Vessels Rules,
- 7            (2) Any rules relating to the safe operation of elevators adopted by the  
8                    Commissioner of Labor, and
- 9            (3) Any rules relating to sanitation adopted by the Commission for Public  
10                    Health which the Building Code Council believes pertinent.

11        ~~(b7) In addition, the~~ The Code may include references to such other rules of special  
12 types, such as those of the Medical Care Commission and the Department of Public Instruction  
13 as may be useful to persons using the Code. No rule issued by any agency other than the  
14 Building Code Council shall be construed as a part of the Code, nor supersede that Code, it  
15 being intended that they be presented with the Code for information only.

16        (b8) Nothing in this Article shall extend to or be construed as being applicable to the  
17 regulation of the design, construction, location, installation, or operation of (1) equipment for  
18 storing, handling, transporting, and utilizing liquefied petroleum gases for fuel purposes or  
19 anhydrous ammonia or other liquid fertilizers, except for liquefied petroleum gas from the  
20 outlet of the first stage pressure regulator to and including each liquefied petroleum gas  
21 utilization device within a building or structure covered by the Code, or (2) equipment or  
22 facilities, other than buildings, of a public utility, as defined in G.S. 62-3, or an electric or  
23 telephone membership corporation, including without limitation poles, towers, and other  
24 structures supporting electric or communication lines.

25        (b9) Nothing in this Article shall extend to or be construed as being applicable to the  
26 regulation of the design, construction, location, installation, or operation of industrial  
27 machinery. However, if during the building code inspection process, an electrical inspector has  
28 any concerns about the electrical safety of a piece of industrial machinery, the electrical  
29 inspector may refer that concern to the Occupational Safety and Health Division in the North  
30 Carolina Department of Labor but shall not withhold the certificate of occupancy nor mandate  
31 third-party testing of the industrial machinery based solely on this concern. For the purposes of  
32 this paragraph, "industrial machinery" means equipment and machinery used in a system of  
33 operations for the explicit purpose of producing a product. The term does not include  
34 equipment that is permanently attached to or a component part of a building and related to  
35 general building services such as ventilation, heating and cooling, plumbing, fire suppression or  
36 prevention, and general electrical transmission.

37        ~~(b10) In addition, the~~ The Code may contain rules concerning minimum efficiency  
38 requirements for replacement water heaters, which shall consider reasonable availability from  
39 manufacturers to meet installation space requirements and may contain rules concerning energy  
40 efficiency that require all hot water plumbing pipes that are larger than one-fourth of an inch to  
41 be insulated.

42        (b11) No State, county, or local building code or regulation shall prohibit the use of  
43 special locking mechanisms for seclusion rooms in the public schools approved under  
44 G.S. 115C-391.1(e)(1)e., provided that the special locking mechanism shall be constructed so  
45 that it will engage only when a key, knob, handle, button, or other similar device is being held  
46 in position by a person, and provided further that, if the mechanism is electrically or  
47 electronically controlled, it automatically disengages when the building's fire alarm is activated.  
48 Upon release of the locking mechanism by a supervising adult, the door must be able to be  
49 opened readily."

1           **SECTION 2.** This act is effective when it becomes law and applies to all farm  
2 buildings, including farm buildings where construction either began or was completed prior to  
3 the effective date of this act.