

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1141

Short Title: Amend Building/Housing Codes.

(Public)

Sponsors: Representatives Thompson; and Buchanan.

Referred to: Commerce, if favorable, Judiciary I.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE INSTALLATION OF CERTAIN HEATING APPLIANCES
IN MANUFACTURED HOUSING AND IN SINGLE FAMILY DWELLINGS.

The General Assembly of North Carolina enacts:

Section 1. (a) G.S. 143-138(b) reads as rewritten:

"(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.

1 In addition, the Code shall include reasonable rules allowing for the installation of
2 unvented gas heating appliances in bedrooms and bathrooms of site-constructed single
3 family dwellings. Appliances shall be those approved for such use by the American Gas
4 Association. Rules adopted shall conform to good engineering practices of the gas and
5 heating industries as evidenced by regulations of the National Fuel Gas Code and similar
6 national agencies whose standards are generally accepted as protective of the public
7 health and safety.

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

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

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

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

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

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

40 (1) Any rules governing boilers adopted by the Board of Boiler and
41 Pressure Vessels Rules,

42 (2) Any rules relating to the safe operation of elevators adopted by the
43 Commissioner of Labor, and

- 1 (3) Any rules relating to sanitation adopted by the Commission for Health
2 Services or the Department of Environment, Health, and Natural
3 Resources which the Building Code Council believes pertinent.

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

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

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

21 (b) The Building Code Council shall adopt temporary rules to implement
22 subsection (a) of this section.

23 Section 2. G.S. 119-58(a) reads as rewritten:

24 **"§ 119-58. Unlawful acts.**

25 (a) It shall be an unlawful act for any person to:

- 26 (1) Sell any liquified petroleum gas burning appliance designed or built for
27 domestic use which has not been approved by the American Gas
28 Association, Inc., the Underwriters Laboratory, Inc., or other laboratory
29 approved by the Commissioner of Agriculture;
30 (2) ~~Install any unvented space heating appliance in a manufactured home as~~
31 ~~defined in G.S. 143-145(7);~~
32 (3) ~~Install any unvented space heating appliance in a sleeping room that has~~
33 ~~an input of over 30 BTU per cubic feet of enclosure;~~
34 (4) Fill a consumer tank or container in excess of 85 percent (85%) of its
35 water capacity, or to fill a tank or container on the premises of a
36 consumer that is not equipped with a fill tube or gauge; provided, said
37 tank or container may be filled by weight if the tank or container is
38 weighed before and after filling;
39 (5) Disconnect an appliance from a gas supply line without capping or
40 plugging said line before leaving the premises;
41 (6) Turn on the gas after reestablishing an interrupted service without first
42 having checked and closed all gas outlets;

1 (7) Violate any provisions of this Article or any rules and regulations
2 promulgated thereunder."

3 Section 3. (a) Article 9A of Chapter 143 of the General Statutes is amended by adding
4 the following new section to read:

5 **"§ 143-143.15A. Installation of unvented gas heating appliances.**

6 The Manufactured Housing Board shall adopt rules pertaining to the installation of
7 unvented gas heating appliances in manufactured homes sold or purchased in the
8 aftermarket. Rules may prohibit installation in bedrooms and bathrooms of manufactured
9 homes. Rules shall conform to good engineering practices of the gas and heating
10 industries as evidenced by regulations of national agencies whose standards apply to
11 manufactured housing and are generally protective of the public health and safety."

12 (b) The Manufactured Housing Board shall adopt temporary rules to implement
13 this section.

14 Section 4. This act becomes effective October 1, 1997.