

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH50443-MH-81 (3/18)

Short Title: Allow Greater Local Energy Efficiency Stds.

(Public)

Sponsors: Representative Insko.

Referred to:

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

5 The General Assembly of North Carolina enacts:

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

7 "**§ 143-138. North Carolina State Building Code.**

8 ...

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28 of approval by the Building Code Council, or in the event that approval is withdrawn, local fire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

33 (1) Fire prevention codes approved by the local governing body which are found
34 by the Council to be more stringent than the adopted statewide fire
35 prevention code and which are found to regulate only activities and



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1 conditions in buildings, structures, and premises that pose dangers of fire,
2 explosion or related hazards, and are not matters in conflict with the State
3 Building Code, shall be approved.

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

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

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

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

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

19"

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