



SENATE BILL 308: Various Building Code Amend.

2021-2022 General Assembly

Committee:

Introduced by: Sens. Johnson, Jarvis

Analysis of: Fourth Edition

Date:

November 2, 2021

Prepared by:

Howard Marsilio
Staff Attorney

OVERVIEW: *Senate Bill 308 would:*

- *Prohibit inspection departments from delaying the issuance of a temporary certificate of occupancy when additional violations are found, on items already approved, during reinspection.*
- *Clarify electric wiring requirement references.*
- *Modify one- or two- family dwelling residential development fire apparatus access road requirements where conformance is technically infeasible.*
- *Require a county, upon request from a verified descendant, to put a cemetery up for sale to all verified descendants in accordance with the county's excess property sale process within 30 calendar days of the request if the cemetery meets additional criteria.*

CURRENT LAW/BILL ANALYSIS:

Section 1: Current law requires that a building inspector inform the permit holder of instances in which the work inspected fails to meet applicable State Building Codes. When a subsequent inspection is conducted to verify completion or correction of instances of building code noncompliance, any additional violations of the codes noted by the inspector, on items already approved, may delay the issuance of a temporary certificate of occupancy.

Section 1 would prohibit an inspection department from delaying the issuance of a temporary certificate of occupancy when additional violations are found on items already approved, by an inspector, during previous inspections.

Section 2: Current law requires that electric wiring for house or building lighting, or for other purposes, conform to the requirements of the State Building Code, and includes a specific reference to the National Electric Code (NEC). Current law also specifies that the Building Code Council may use the requirements of the NEC as guidance, but is not required to adopt the requirements of the NEC, in the development of the State Building Code.

Section 2 would strike the specific reference to the NEC in G.S. 143-143.2, and would clarify and reconcile that electric wiring must conform with the requirements of the State Building Code generally.

Section 3: The current North Carolina Fire Code generally requires two separate fire apparatus access roads for one- or two- family dwelling residential developments with more than 30 dwelling units, unless the dwelling units are equipped with automatic fire sprinklers. When two fire apparatus access roads are required for these developments, the access points must meet a minimum separation distance calculation requirement.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 308

Page 2

Section 3 would prohibit the application of this separation distance calculation requirement for fire apparatus access roads where conformance is technically infeasible, as determined by the property owner or developer. This section would also provide guidance for the implementation of this section and the adoption/amendment of rules in accordance with this section.

Section 3.5: A city, under certain circumstances, is authorized to take possession of a cemetery, the land, and any adjoining land, not held by known claimants of title, and have the property surveyed and lines established, and to designate and appropriate the property as a city cemetery.

Section 3.5 would require the county, for a cemetery outside city limits and within the county, upon request from a verified descendant, to put the cemetery up for sale to all verified descendants in accordance with the county's excess property sale process within 30 calendar days of the request if the cemetery meets additional criteria.

EFFECTIVE DATE: Section 1 of the bill would become effective January 1, 2022, and apply to inspections associated with permits applied for on or after that date. Section 3.5 would become effective January 1, 2022. The remainder of this act would become effective when it becomes law.