

MEMO

Date: January 22, 2024

**To: Bridget Herring, Chair, NCBCC
Jason Shepherd, Chair, Fire Committee**

**From: Charlie Johnson,
Staff, Chief Fire Code Consultant**

**Re: GS 143-138(e) NC State Building Code
Local Fire Prevention Regulations**

Ordinance amending Chapter 8 – Fire Protection and Prevention – Article III – Fire Prevention Code for Jacksonville City Code.

**Request is for approval to amend Section 8-63.1 Appendix – Generally
The amendment modifies provisions in Appendix D from a previously approved ordinance**

The amendment was approved by Jacksonville City Council on March 6, 2018, but was never submitted to the Building Code Council as required by GS 143-138 €

Staff has reviewed the ordinance for the following statutory requirements and identified items that are:

1. More stringent than the adopted statewide fire prevention code, and
2. Which are found to regulate only activities and conditions in buildings, structures, and premises, and
3. That pose dangers of fire, explosion or related hazards, and
4. Are not matters in conflict with the State Building Code.

Staff has reviewed and recommends approval of this ordinance.

§ 143-138. North Carolina State Building Code.

(e) Effect upon Local Codes. - Except as otherwise provided in this section, the North Carolina State Building Code shall apply throughout the State, from the time of its adoption. Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any political subdivision of the State may adopt a fire prevention code and floodplain management regulations within its jurisdiction. The territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within the corporate limits of the municipality and extraterritorial jurisdiction areas established as provided in G.S. 160D-202 or a local act; county jurisdiction shall include all other areas

of the county. No such code or regulations, other than floodplain management regulations and those permitted by G.S. 160D-1128, shall be effective until they have been officially approved by the Building Code Council as providing adequate minimum standards to preserve and protect health and safety, in accordance with the provisions of subsection (c) above. Local floodplain regulations may regulate all types and uses of buildings or structures located in flood hazard areas identified by local, State, and federal agencies, and include provisions governing substantial improvements, substantial damage, cumulative substantial improvements, lowest floor elevation, protection of mechanical and electrical systems, foundation construction, anchorage, acceptable flood resistant materials, and other measures the political subdivision deems necessary considering the characteristics of its flood hazards and vulnerability. In the absence of approval by the Building Code Council, or in the event that approval is withdrawn, local fire prevention codes and regulations shall have no force and effect. Provided any local regulations approved by the local governing body which are found by the Council to be more stringent than the adopted statewide fire prevention code and which are found to regulate only activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and are not matters in conflict with the State Building Code, may be approved. Local governments may enforce the fire prevention code of the State Building Code using civil remedies authorized under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State official with responsibility for enforcement of the Code institutes a civil action pursuant to G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123, or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such civil remedies shall be as provided in G.S. 160D-1127.

A local government may not adopt any ordinance in conflict with the exemption provided by subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the exemption provided by subsection (c1) of this section.

ORDINANCE 2018-12

AN ORDINANCE AMENDING THE CITY CODE
OF THE CITY OF JACKSONVILLE
CHAPTER 8 - FIRE PROTECTION AND PREVENTION - ARTICLE III - FIRE PREVENTION
CODE

BE IT ORDAINED by the City Council of the City of Jacksonville that Chapter 8 - Fire Protection and Prevention, Article III - Fire Prevention Code - of the Jacksonville City Code is hereby amended as follows:


Add the bolded and underline text shown below to Article III – Fire Prevention Code - Section 8-63.1 – Appendix-Generally


Sec. 8-63.1 – Appendix-Generally

Appendix to the North Carolina Fire Prevention Code, is hereby adopted by reference as fully as though set forth here in as the fire prevention code of the city to the extent such code is applicable for safe and stable design, methods of construction, minimum standards and use of materials in building or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed **except that Appendix D is adopted with the following changes:**

- (a) **Paragraph D103.1 - Access road width with a hydrant – The minimum road width shall be 20 feet, minimum instead of 26 feet.**
- (b) **Figure D103.1 – Dead-End Fire Apparatus Access Road Turnaround – The dimensional requirements for the various types of turnarounds depicted by Figure D103.1 shall be in accordance with the dimensional standards set forth by the City of Jacksonville Manual of Specifications, Standards and Design.**
- (c) **Table D103.4 – Requirements for Dead-End Fire Apparatus Access Roads – The width requirement for a 501 to 750-foot run of dead-end access road with a hammerhead turnaround shall be 20 feet, minimum instead of 26 feet. The dimensions cited for the hammerhead turnaround shall be in accordance with the dimensional standards set forth by the City of Jacksonville Manual of Specifications, Standards and Design.**

Adopted by the Jacksonville City Council in regular session this 6th day of March 2018.


Carmen K. Miracle, City Clerk


Sammy Phillips, Mayor