

## MEMO

**Date: December 28, 2022**

**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**

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### **Catawba County Code of Ordinances**

**Request is for approval to amend Section 8-1. Building Code Adopted to adopt Appendices B and C of the NC Fire Code.**

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 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 NO. 2022-24

BE IT ORDAINED, that the Catawba County Code of Ordinances, Chapter 8, be amended as follows:

**Chapter 8 Buildings and Building Regulations, Article IV-Building Code Council and Building Code, Section 143**

**Sec. 8-1. Building Code Adopted.**

Pursuant to the provisions of G.S. 143, Article 9, entitled Building Code Council and Building Code, the North Carolina State Building Code is hereby adopted as the law governing and applying to building, general remodeling, and construction of all kinds in the County. Appendix B (Fire Flow Requirements for Buildings) and Appendix C (Fire Hydrant Locations and Distribution) of the North Carolina State Building Code: Fire Prevention Code are also hereby adopted.

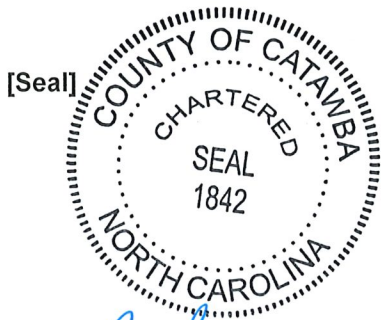
(Ord. No. 2015-03, 3-16-2015)

State law reference(s)—Building code and building code council, G.S. 143-136 et seq.; state building code applicable throughout the state, G.S. 143-138(e).

**Secs. 8-2—8-15. Reserved.**



C. Randall Isenhower, Chairman  
Catawba County Board of Commissioners



Attest:



Dale R. Stiles, Clerk to the Board  
Catawba County Board of Commissioners