

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 576
SENATE BILL 578

AN ACT TO AMEND G.S. 143-138(H).

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-138(h) is rewritten to read:

"(h) Violations. Any person who shall be adjudged to have violated this Article or the North Carolina State Building Code, except for violations of occupancy limits established by either, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine, not to exceed fifty dollars (\$50.00), for each offense. Each 30 days that such violation continues shall constitute a separate and distinct offense. Violation of occupancy limits established pursuant to the North Carolina State Building Code shall be a misdemeanor subject to a one hundred dollar (\$100.00) fine for a first offense, a two hundred fifty dollar (\$250.00) fine for a second offense, and a five hundred dollar (\$500.00) fine and up to 30 days imprisonment for a third and any subsequent offenses. Any violation incurred more than one year after another conviction for violation of the occupancy limits shall be treated as a first offense for purposes of establishing and imposing penalties. In case any building or structure is erected, constructed or reconstructed, or its purpose altered, so that it becomes in violation of the North Carolina State Building Code or if the occupancy limits established pursuant to the North Carolina State Building Code are exceeded, either the local enforcement officer or the State Commissioner of Insurance or other State official with responsibility under G.S. 143-139 may, in addition to other remedies, institute any appropriate action or proceedings including the civil remedies set out in G.S. 160A-175 and G.S. 153A-123, (i) to prevent such unlawful erection, construction or reconstruction or alteration of purpose, or overcrowding, (ii) to restrain, correct, or abate such violation, or (iii) to prevent the occupancy or use of said building, structure or land until such violation is corrected."

Sec. 2. G.S. 69-4 is hereby amended by rewriting the second sentence thereof to read as follows:

"When any of such officers find in any building or upon any premises overcrowding in violation of occupancy limits established pursuant to the North Carolina State Building Code, combustible material or inflammable conditions dangerous to the safety of such building or premises they shall order the same to be removed or remedied, and this order shall be forthwith complied with by the owner or occupant of such buildings or premises."

Sec. 3. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.