


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2024 NC Administrative Code & Policies (221213 Item B-1)	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 31, 2023 Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice Hearing on: March 14, 2023 Adoption by Agency on: June 13, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input checked="" type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: <u>This amendment</u> <u>The 2018 NC Administrative Code and Policies is amended to create the 2024 Administrative Code and Policies and</u> is proposed to protect the public by establishing standard administrative policies and procedures. The delayed effective date of this Rule is January 1, 2025. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
10. Rulemaking Coordinator: David B. Rittlinger David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: David B. Rittlinger Title: Chief Code Consultant
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

Refer to the attachment below.

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Notes to RRC: THIS DOCUMENT CONTAINS THE PROPOSED 2024 NORTH CAROLINA ADMINISTRATIVE CODE AND POLICIES.

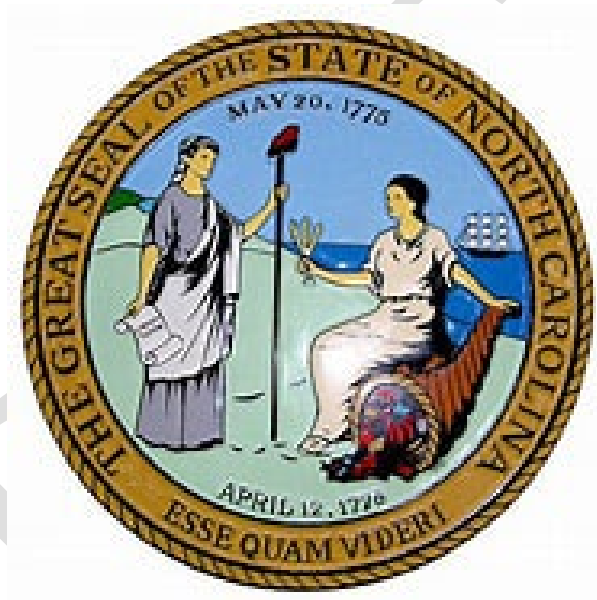
TEXT THAT IS STRUCK THROUGH IS DELETED FROM THE 2018 EDITION TO CREATE THE 2024 EDITION.

TEXT THAT IS UNDERLINED IS NEW TEXT TO CREATE THE 2024 EDITION.

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North Carolina State Building Code: Administrative Code and Policies, ~~2018~~2024 edition

First Printing: ~~June~~January ~~2018~~2024



Notes to RRC: The NC Seal above is added to the 2024 North Carolina Administrative Code and Policies. International Code Council, Inc. copyright statements and information (not shown) will appear here once this code published and made available to the public. Page numbers and Table of Contents will be updated once this code published and made available to the public.

PREFACE of the ~~2018~~2024 NORTH CAROLINA STATE BUILDING CODES

North Carolina has been a pioneer in the field of Statewide Building Regulations that have been enacted for the protection of the public. The Building Laws passed in 1903 and 1905 created a Building Code for materials and methods of construction in use at that time in the State.

The General Assembly of 1933 created a Building Code Council and authorized it to, in cooperation with the Commissioner of Insurance, prepare and adopt a State Building Code. The first State Building Code was adopted in 1935 and ratified by the 1941 General Assembly.

The 1957 Legislature rewrote the 1933 Act, ratified the 1953 Edition, and reorganized and expanded the membership and responsibility of the Council. The 1953 Edition of the State Building Code was revised in accordance with the 1957 Act and printed as the 1958 Edition.

The 1933 Act of the General Assembly provided that any city or county could adopt any building regulation that was more stringent than the State Building Code regulations. However, after a General Assembly Study Commission Report, the 1957 Legislature provided that any local building regulation that was different from the State regulation would have to be approved by the Building Code Council. The Council adopted a policy to only approve local amendments to the State Code that were absolutely necessary. The policy includes that when the Council sees the need for local amendments, they would be incorporated as a part of the State Building Code in lieu of approving the regulations applying to a specific city or county unless local conditions warranted such specific regulations.

The 1967 Edition of the State Building Code was prepared utilizing the framework of the Standard Building Code, with several chapters taken from the American Insurance Association's National Building Code and the egress chapter taken from the Life Safety Code of NFPA.

The 1978, 1991 and 1996 Editions were prepared by the Building Code Council with the assistance of specially appointed Advisory and Ad-Hoc Committees representing Code Enforcement Officials, Contractors, Designers and others affected by the regulations. These Editions were the latest Standard Building Code with North Carolina amendments.

The 2002, 2006, 2009, ~~2012~~2012, ~~and~~ 2018 and 2024 Editions were prepared by Ad-Hoc Committees representing Code Enforcement Officials, Contractors, Designers and others affected by the regulations. These Editions were the *International Building Code* with North Carolina amendments.

The ~~2018~~2024 North Carolina State Code is presented with the hope that its use will protect the public from dangerous and unsanitary buildings. This Code is intended to provide Code Enforcement Officials, Contractors and Designers a set of minimum standards to follow in design and construction. The Building Code Council has the authority to amend the Code when the wider use of materials and methods comply with the safety standards set forth in the laws.

PREFACE of the ~~2018~~2024 NORTH CAROLINA ADMINISTRATIVE CODE and POLICIES

The purpose of the *North Carolina Administrative Code and Policies* is to serve as a comprehensive document to guide decisions aimed at protecting the public's health, safety and welfare in the built environment. This protection is provided through the enforcement, by state and local governments, of the technical codes incorporated by reference herein.

The *North Carolina Administrative Code* was first adopted by the Building Council in 1991. The 1996 and 2002 Editions were published in conjunction with the subsequent Code Editions. The 2006 *North Carolina Administrative Code and Policies* was a reorganization and rewrite of the 2002 *Administration and Enforcements Code*. The 2009, ~~2012~~2012, and 2018 and 2024 Edition of the *North Carolina Administrative Code and Policies* is an administrative update of the 2006 *Administration and Enforcements Code*. Chapter 1, Administrative Code, contains Rules adopted by the Building Code Council and approved by the Rules Review Commission. Chapter 2, Policies, contains generally accepted policies and procedures based on the North Carolina General Statutes. Chapter 3, Referenced Statutes, contains references to many applicable General Statutes. The appendices include representative administrative forms.

EDITIONS of the NORTH CAROLINA STATE BUILDING CODES

Administrative	1991, 1996, 2002, 2006, 2009, 2012, 2018 <u>2018, 2024</u>
Building	1936, 1953, 1958, 1967, 1978, 1991, 1996, 2002, 2006, 2009, 2012, 2018 <u>2018, 2024</u>
Residential	1968, 1993, 1997, 2002, 2006, 2009, 2012, 2018 <u>2018, 2024</u>
Accessibility	1973, 1991, 1999 (Accessibility requirements were part of the Building Code before 9/1/1973 and after 1/1/2009.)
Electrical (NEC)	1931, 1933, 1935, 1937, 1940, 1942, 1943, 1947, 1949, 1951, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1962, 1965, 1968, 1971, 1975, 1978, 1981, 1984, 1987, 1990, 1993, 1996, 1999, 2002, 2005, 2008, 2011, 2014, 2017, <u>2020</u>
Existing Building	2015, 2018 <u>2018, 2024</u>
Fire	1991, 1996, 2002, 2006, 2009, 2012, 2018 <u>2018, 2024</u>
Mechanical	1971, 1980, 1991, 1996, 2002, 2006, 2009, 2012, 2018 <u>2018, 2024</u>
Energy Conservation	1991, 1996, 2002, 2006, 2009, 2012, 2018 <u>2018, 2024</u>
Plumbing	1963, 1968, 1980, 1991, 1996, 2002, 2006, 2009, 2012, 2018 <u>2018, 2024</u>
Fuel Gas	1991, 1996, 2002, 2006, 2009, 2012, 2018 <u>2018, 2024</u>

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CHAPTER 1

ADMINISTRATIVE CODE

SECTION 101 TITLE AND SCOPE

101.1 Title. This document is “The North Carolina Administrative Code and Policies,” hereinafter known as “this code.” Any references to International Codes shall refer to North Carolina State Building Codes.

101.2 Purpose. The purpose of this code is to provide for the administration and enforcement of the North Carolina State Building Codes as adopted by the Building Code Council and enforced by State and local code enforcement officials. This code is incorporated by reference into the North Carolina Building, Accessibility, Plumbing, Mechanical, Electrical, Fire Prevention, Fuel Gas, Energy Conservation, Existing Buildings, Rehabilitation, and Residential Codes, hereinafter referred to collectively as the “technical codes.” This code is intended to provide for the administrative aspects of each of the technical codes. In this code, the plumbing, mechanical, electrical, fire prevention and gas systems shall be referred to as “service systems.”

101.3 Scope.

101.3.1 Requirements of other state agencies, occupational licensing boards or commissions. The North Carolina State Building Codes do not include all additional requirements for buildings and structures that may be imposed by other state agencies, occupational licensing boards or commissions. It shall be the responsibility of a permit holder, design professional, contractor or occupational license holder to determine whether any additional requirements exist.

Commentary: Many State agencies, occupational licensing boards or commissions have specific design and construction requirements that are not incorporated into the North Carolina State Building Codes and are not enforced by code enforcement officials. Permit holders, design professionals, contractors or occupational license holders should consult with any relevant boards or agencies to determine whether there are any additional construction and design requirements for their projects.

101.3.2 Technical Codes. Where sections 101.3.2.1 through 101.3.2.10 conflict with the applicability and scope as provided in the technical codes the applicability and scope in the technical codes shall apply.

101.3.2.1 North Carolina Building Code. The provisions of the Building Code shall apply to the construction, alteration, repair, equipment, use and occupancy, location, movement to another site, removal and demolition, or any appurtenances connected or attached to every building or structure, other than one- or two-family dwellings and townhouses.

~~**101.3.2.2 North Carolina Accessibility Provisions.** The accessibility provisions shall apply to the construction, alteration, repair, replacement, equipment, appliances, fixtures, fittings and appurtenances of all buildings or structures, other than one- and two- family dwellings and townhouses.~~

~~**101.3.2.3**~~ **101.3.2.2 North Carolina Plumbing Code.** The provisions of the Plumbing Code shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances.

~~**101.3.2.4**~~ **101.3.2.3 North Carolina Mechanical Code.** The provisions of the Mechanical Code shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

~~**101.3.2.5**~~ **101.3.2.4 North Carolina Electrical Code.** The provisions of the Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances.

101.3.2.5 North Carolina Fire Prevention Code. The provisions of the Fire Prevention Code shall apply to the ~~repair, equipment, use, occupancy and maintenance of every existing building or structure, other than one or two family dwellings and townhouses.~~ The provisions of the fire prevention code shall apply to the installation of fire protection systems minimum fire safety requirements to all new and existing buildings, facilities, storage, and processes, except for one- or two-family dwellings and townhouses. The Fire Prevention Code provides a total approach of controlling hazards in all regulated buildings and sites, regardless of the hazard being indoors or outdoors.

101.3.2.6 North Carolina Fuel Gas Code. The provisions of the Fuel Gas Code shall apply to the installation of gas piping systems extending from the point of delivery to the inlet connections of equipment served, and the installation and operation of residential and commercial gas appliances and related accessories.

101.3.2.7 North Carolina Energy Conservation Code. The provisions of the Energy Conservation Code shall apply to the thermal envelope of the building and installation of energy systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.3.2.8 North Carolina Existing Buildings Code. All work on any building that undergoes alterations, repairs, replacement, rehabilitation or change of occupancy shall comply with the Existing Buildings Code or the technical codes for the proposed work.

101.3.2.9 North Carolina Residential Code. The provisions of the Residential Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.

*Commentary: Exceptions to the technical codes. Note that there are statutory exceptions to the applicability of the technical codes. These exceptions can be found in North Carolina General Statutes **(NCGS § 143-138(b)-(NCGS § 143-138)**. The exceptions include the following as well as other exceptions:*

- (1) farm buildings located outside the jurisdiction of any municipality;*
- (2) equipment for storing, handling, transporting and utilizing liquefied petroleum gases for fuel purposes; and*
- (3) equipment or facilities, other than buildings, of a public utility, as defined in NCGS § 62-3, or of an electric or telephone membership corporation, including poles, towers and other structures supporting electric or communication lines.*

Commentary: "Farm building" means any building that is not open to the general public and is used primarily for a bona fide farm purpose. "A bona fide farm purpose" includes the production or storage of agricultural products or commodities, including crops, fruits, vegetables, ornamental or flowering plants, dairy, timber, livestock, poultry and all other forms of agricultural products. Farm buildings do not include such buildings used for purposes of education and research.

101.3.3 Workmanship. Workmanship is not within the purview of the technical codes unless specifically stated within the code.

101.3.4 Appendices. Provisions in the appendices shall not be enforceable unless specifically ~~incorporated~~ adopted or referenced in the technical codes.

Commentary: Use of appendices. An appendix is part of the technical codes only when the technical code specifically references that appendix in the body of the technical code. Conversely, appendices that are not referenced in the technical codes are not part of the North Carolina Building Codes. These unenforceable appendices are provided solely for the convenience of the reader. Each appendix will indicate under its title whether it is enforceable and required as part of the technical code.

101.3.5 Referenced standards. Standards referenced in the technical codes shall be considered an integral part of the codes. If specific portions of a standard are denoted by code text, only those specific portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

~~101.3.6 Existing buildings.~~ Additions, alterations, repairs, replacement, rehabilitations or changes of occupancy shall be permitted to any existing structure or service system without requiring the existing systems to comply with all the requirements of the current building codes. All new work shall conform to the requirements of the technical codes for new construction except as modified by either the existing buildings code or the rehabilitation code. For any portion of an existing building or service system that creates a hazard or unsafe condition, the code enforcement official shall determine the extent to which that portion of the existing building or service system is to be upgraded to conform to the requirements of either the Existing Buildings Code, the Rehabilitation Code or the technical codes.

SECTION 102 RULE-MAKING TO AMEND THE TECHNICAL CODES

102.1 Petition for rule-making.

102.1.1 Petition Filing. ~~1-~~ Any person wishing to file a petition requesting the adoption, amendment or repeal of a rule by the Building Code Council shall file a written petition on a form (see Appendix C) provided by the Building Code Council, and ~~21 copies~~ Twenty-one hardcopies of the petition and supporting documentation shall be sent to with the Building Code Council Secretary or a single pdf and editable softcopy of the petition can be emailed to the Building Code Council Secretary.

102.1.2 Required information. ~~2-~~ The petition shall include the following information:

- a. ~~2-1~~ Name, address and occupation of petitioner;
- b. ~~2-2~~ A summary of the proposed action (adoption, amendment or repeal of a rule or rules);
- c. ~~2-3~~ A draft of the proposed rule or other action;
- d. ~~2-4~~ A complete statement of the reason for the proposed action with supporting documentation;
- e. ~~2-5~~ An identification of the persons or class of persons most likely to be affected by the proposed action; and
- f. ~~2-6 An economic impact analysis~~ A fiscal note performed by the petitioner and approved by the Office of State Budget Management as required by General Statute §143-138(a), Statutes 143- 138(a1) and 150B-21.4.
- g. A cost/benefit analysis performed by the petitioner for North Carolina Energy Code proposed amendments as required by General Statute §143-138(a1)(2).

102.2 Presiding officer. The presiding officer at any rule-making meeting or hearing shall have control of the proceedings, including: recognition of speakers, time allotments for presentations, the right to question speakers, direction of the discussion and management of the meeting or hearing.

102.3 Record of proceedings. A record of rule-making proceedings will be available for public inspection during regular office hours at the Building Code Council's office. This record will contain the original petition, if any, the notice, all written memoranda and information submitted, and a record or summary of oral presentations, if any, and, in any case where a proposal was rejected, the reason therefore.

102.4 Effective date of rules. Any rules that are adopted by the Building Code Council and approved by the Rules Review Commission shall be effective when the next edition of the relevant technical code is effective as provided in Rule 102.6 unless specified otherwise by the Building Code Council.

102.5 Interim use of approved rules. Any rules that are adopted by the Building Code Council and approved by the Rules Review Commission shall be accepted by the Code Enforcement Official as an approved alternate method of construction prior to the effective date if requested by the owner or his agent.

102.6 Effective date of code editions. The provisions of any code edition which have been approved/adopted by both the Building Code Council and approved by the Rules Review Commission shall become effective the first day of January of the following year unless specified otherwise by the Building Code Council.

SECTION 103 APPEALS

103.1 General. The following are appeals addressed by this code:

- (a) Appeal by a permit holder to local code enforcement management regarding a code ~~determination~~ interpretation

made by a local code official for a specific job site.

- (b) Appeal by a permit holder to the NC Department of Insurance, Engineering Division regarding a **code determination or** interpretation by local code enforcement.
- (c) Appeal by an inspection department or permit holder to the NC Building Code Council regarding an appeal decision issued by the NC Department of Insurance, Engineering Division.
- (d) Appeal by a permit holder, designer, general public, or local code enforcement to the NC Building Code Council regarding a formal code interpretation issued by NC Department of Insurance, Engineering Division.

103-1103.2 Form of complaints and ~~other pleadings~~ supporting information.

103.2.1 Complaints. ~~1-~~ There shall be no specific form required for complaints. To be sufficient, a complaint shall be in writing, identify the parties and shall reasonably apprise the Building Code Council of the facts that form the basis of the complaint.

103.2.2 ~~Other pleadings~~ Supporting information. ~~2-~~ There shall be no specific form. Appendix E shall be required for answers, motions or ~~other pleadings~~ supporting information relating to appeals before the Building Code Council, ~~except they shall be in writing. To be sufficient, the document~~ The pleadings supporting information shall identify the case to which it refers and reasonably apprise the Building Code Council of the matters it alleges, answers or requests. In lieu of submission in writing, motions, requests and ~~other pleadings~~ supporting information may be made on the record during the course of the hearing before the Building Code Council.

103-2103.3 Governing provisions. Hearings before the Building Code Council shall be governed by the provisions of General Statutes 150B, Article 3A.

103-3103.4 Presiding officer. The Building Code Council may designate any of its members to preside over the hearing in a case on appeal. When no designation is made, the ~~chairman~~ Chair of the Building Code Council shall preside, or, in ~~his~~ the Chair's absence, the ~~vice chairman~~ Vice Chair shall preside. The presiding officer shall rule on motions or other requests made in an appeal case prior to the hearing in that case, except when the ruling on the motion would be dispositive of the case. When the ruling on a motion or request would be dispositive of the case, the presiding officer shall make no ruling and the motion or request shall be determined by a majority of the Building Code Council.

103-4103.5 Continuances. The Building Code Council's ~~Secretary~~ Chair may grant ~~the first request~~ requests for a continuance of a hearing for good cause. ~~Any subsequent requests for continuance may be granted by the chairman of the board.~~ The granting of a continuance is wholly discretionary.

103-5103.6 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of the technical codes, the Building Code Council shall have the authority to grant modifications for individual cases, after the Building Code Council finds on appeal that (1) special individual reasons, conditions, and/or circumstances exist that make the strict letter of the technical codes impractical, (2) the modification is in compliance with the intent and purpose of the technical codes, and (3) the modification does not lessen health, accessibility, life, fire-safety or structural requirements.

(General Statute 143-141)

Commentary: Limitation on what constitutes "practical difficulties." This section is not intended to permit setting aside or ignoring a code provision; rather, it is intended to provide for the acceptance of equivalent protection. Such modifications do not, however, extend to actions that are necessary to correct violations of the code. In other words, a code violation or the expense of correcting a code violation does not necessarily constitute a practical difficulty.

**SECTION 104
ADMINISTRATION**

104.1 North Carolina Department of Insurance, Engineering Division.

104.1.1 Document approval. Construction specifications and drawings, including Appendix B of this code, for buildings specified in Table 104.1 shall be submitted to the Engineering Division of the North Carolina Department of Insurance. The Engineering Division shall grant document approval before a permit is issued on any building listed in Table 104.1.

**TABLE 104.1
NORTH CAROLINA DEPARTMENT OF INSURANCE, ENGINEERING DIVISION
DOCUMENT APPROVAL FOR NEW CONSTRUCTION AND ADDITIONS**

OCCUPANCY GROUP	BUILDING PLANS TO BE APPROVED
Section 403 – High Rise ¹	All buildings
Section 402 – Covered Mall Buildings ¹	All buildings
City/county owned	All buildings 20,000 sq. ft. or greater as required by G.S. §58-31-40
Group A ^{1, 2}	Occupant load over 1,000
Group E ¹	Over 2 stories or over 20,000 sq. ft./story
Group H ¹	Occupant load over 100
Group I ¹	Over 3 stories or over 10,000 sq. ft./story
Group R ¹	Over 4 stories or over 100 units/building

For SI: 1 square foot = 0.0929 m².

- Plans and specifications are not required to be reviewed or approved by the Engineering Division for buildings, except city/county owned, that are located in a city or county inspection jurisdiction approved to perform plans review by the NC Building Code Council, except city/county owned buildings are not exempt.
- Except temporary bleachers.

Commentary: The square footage listed above refers to the footprint of a new building or building addition.

The occupant loads refer to a new building or building addition area only.

For the purpose of this table only, the occupant load for a church is based on the occupant load of the Occupant Group A-3 main meeting area. If the A-3 area is over 1,000 occupants, then DOI plan review is required unless exception 2 applies.

General Statute 58-31-40 indicates that such city/county owned buildings must be greater than 20,000 square feet (1858 m²) of new or additional building footprint to require DOI review. The 20,000 square feet (1858 m²) applies to individual structures on the site and not the sum of the structures.

104.1.2 Local plan review approval. ~~1. An~~ A local inspection department may make a written request to the Building Code Council to review plans and specifications on buildings listed in Table 104.1. This authority ~~shall~~ may be granted provided that the following is met:

1. The inspection department is adequately staffed by code enforcement officials with Standard Level III Certificates issued by the North Carolina Code Officials Qualification Board in all areas and attest that the for Building, Electrical, Fire, Mechanical and Plumbing.

2. The jurisdiction attests it is capable of performing required inspections within 2 business days of request for inspection as required by NCGS 143-139.4.

104.1.3 List of approved local jurisdictions. ~~2-~~ Local inspection departments approved under this section shall be listed on the Department of Insurance web page, or a list shall be provided by the Building Code Council Secretary. www.ncdoi.com/osfm.

SECTION 105 ALTERNATE MATERIAL, DESIGN OR METHODS

105.1 Approval General. The provisions of ~~this code~~ the technical codes are intended to allow the use of any alternate material, design or method of construction, provided that the alternate has been approved by the code enforcement official. An alternative material, design or method of construction shall be approved where the code enforcement official finds that the proposed alternative material, design or method of construction complies with the intent and provisions of the technical codes. ~~Section 105.2.~~

Commentary: The technical codes are not intended to inhibit innovative ideas or technological advances. A comprehensive regulatory document, such as the North Carolina State Building Codes, cannot envision and then address all future innovations in the industry. As a result, a performance code must be applicable to and provide a basis for the approval of an increasing number of newly developed, innovative materials, systems and methods for which no technical code text or referenced standards yet exist. The fact that a material, product or method of construction is not addressed in the technical codes is not an indication that such material, product or method is intended to be prohibited. The code enforcement official is expected to apply sound technical judgment in accepting materials, systems or methods that, while not anticipated by the drafters of the current technical code text, can be demonstrated to offer equivalent performance. By virtue of its text, the code regulates technical codes regulate new and innovative construction practices while addressing the relative safety of building occupants. The code enforcement official is responsible for determining if a requested alternative provides the equivalent level of protection of public health, safety and welfare as required by the code-technical codes.

105.2 Approval process. The two paths for approval are a prescriptive method and a performance method as required in Sections 105.2.1 and 105.2.2.

105.2.1 Prescriptive method. The alternate method shall demonstrate equal or safer characteristics as required prescriptively by the technical codes.

105.2.2 Performance method. The alternate method shall demonstrate equal or safer performance as required by the technical codes.

Commentary: "Prescriptive method" refers to sections of the technical codes that indicate a specific material or method. An example would be from the NC Residential Code the requirement that a pier footing for a 1-story house be 1'-4"x2'-0"x8". That would be the minimum footing size if the footing is designed prescriptively.

"Performance method" refers to sections of the technical codes that indicate minimum design value. The footing for the same pier as described above could be designed to a lesser size if the performance requirements of the NC Residential Code-Code are met. An example could be that the dead and/or load loads of the structure supported by the pier isare less than expected by the code or the soil capacity is greater than 2,000 psf. Any of these factors could reduce the size of the footing to less than that required prescriptively in the NC Residential Code.

105.2.3 Tests or analysis. Whenever there is insufficient evidence of compliance with the provisions of the technical codes, or evidence that a material, design or method does not conform to the requirements of the technical codes, or in order to substantiate claims for an alternative material, design or method, the code enforcement official shall have the authority to require tests as evidence of compliance to be made at no expense to the authority having jurisdiction. Test methods shall be as specified in the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the code enforcement official shall approve the have authority to review and approve or disapprove proposed testing procedures. The following are accepted testing agencies:

- a. A certified testing lab approved by the International Accreditation Service (IAS) for the specific standard that the alternate material or method is required by the code to comply.
- b. International Code Council approved testing agencies.
- c. Other testing agencies as approved by the local inspection jurisdiction.
- d. North Carolina registered design professionals providing sealed reports or evaluation letters in their area of expertise.
- e. Mechanical and electrical 3rd party testing agencies approved by the NC Office of State Fire Marshal in accordance with N.C.G.S. § 66-25 and § 143-139.1 and listed on their website at: Third Party Testing Agencies | OSFM (ncosfm.gov).

105.3 Appeals.

105.3.1 Local government. The local building safety agency and fire marshal shall establish documented procedures to address requests for acceptance of a proposed alternate method. The procedure shall be published and made available to the general public upon request. The procedure shall include a requirement for a written response by the local government to the requesting party for a properly submitted request for appeal. The procedure shall require an acceptance or denial response be issued by the local government in 10 business days or less from the date of receipt of the request by the local government. The response shall include the evidence and technical codes considered in the decision as well as conclusions drawn from the evidence and technical codes.

105.3.2 Decision of local government. Appeal a of local jurisdiction decision is directed to the NC Department of Insurance in accordance with Section 203.2.2.

105.3.3 Decision of North Carolina Department of Insurance, Engineering Division. Appeal of a NC Department of Insurance, Engineering Division decision is directed to the North Carolina Building Code Council in accordance with Section 202.9.

SECTION 106 PERMITS

106.1 Permit required. A current permit is required for all work described in the technical codes unless specifically exempted by the North Carolina General Statutes or the technical codes.

Commentary: Reference North Carolina General Statute 160D-1110 for exemptions.

106.2 Drawings and specifications.

106.2.1 Requirements. Drawings and specifications, as required by the inspection department, shall be drawn to scale with sufficient clarity and detail to indicate the nature and character of the work and shall accompany the application for a permit. All information, drawings, specifications and accompanying data shall bear the name, address and signature of the person responsible for the design.

Exception~~Exceptions:~~

1. Projects using the Building Information Modeling-Integrated Project Delivery (BIM-IPD) process, see Section 106.2.3.1.
2. Residential buildings exempted by **NCCGS 160D-1110, paragraph (b).****NCCGS 160D-1110(b).**

106.2.2 Additional data. The inspection department may require details, computations, stress diagrams or documentation sealed by a registered design professional and other data necessary to describe the construction or installation of a system.

Exception: Projects using the BIM-IPD process, see Section 106.2.3.1.

106.2.3 Review and approval. When the inspection department issues a permit, it shall approve, in writing or by stamp, all sets of drawings and specifications “Reviewed for Code Compliance.”

Exception: Nothing in this section shall require the review and approval of one- and two-family dwelling plans.

Commentary: Drawings and specifications shall be kept in a manner prescribed by North Carolina General Statute 160D-1126.

106.2.3.1 Building Information Modeling—Integrated Project Delivery Process. When proposed by the permit applicant and when acceptable to the authority having jurisdiction, the BIM-IPD process may be utilized, replacing the requirements of Section 106.2.3, with the following permitting and inspection steps.

1. At the project start, the owner’s project team (Architect, Engineer, contractor, et al.) shall meet with the Code Enforcement Official (CEO) to determine the prevailing **technical** code compliance strategy for the full scope of the project, to be documented in an electronic Appendix B format or an equivalent format, acceptable to the CEO.
2. The CEO may issue a single project master permit, based on the initial project description and **technical** code compliance strategy agreement.

Commentary: The CEO should work collaboratively to review building components or details as scheduled by the owner’s project team.

3. The CEO shall inspect built work, as described in Section 107 of this code.
 - 3.1 Concurrence on compliance with the **technical** code, with respect to both the model and built product, shall be gained before inspections are approved.
4. The owner’s project team shall submit a validation document, at project substantial completion, documenting the building as constructed and compliance with the *North Carolina State Building Code*, for

records retention by the Authority Having Jurisdiction. Validation document: may be a three dimensional model, two dimensional electronic drawings and records, or a combination of both, accurately reflecting the completed building as approved by the code official in the field, and verified with respect to same.

- Where the validation document varies from the approved virtual model regarding **buildingtechnical** code compliance, the related Architect/ Engineer must approve the change.
- Receipt of the validation document shall be a condition on issuance of Certificate of Occupancy.

106.2.3.2 Definitions.

BIM: Model-based technology linked with a data base of project information, using three-dimensional, real time dynamic modeling software, to plan all building construction. The model encompasses building geometry, spatial relationships, geographic information, and quantities and properties of building components.

IPD: A project delivery method that integrates key participants (owner, Architect, Engineer, contractor, code official, et al.), systems, business structures and practices into a process that collaboratively plans and constructs facilities. The collaborative process begins in early design and continues through all phases of design, fabrication and construction.

Commentary: This applies to any project delivery method employing three-dimensional modeling software, to virtually construct all building components, by a collaborative team based process from design start to construction completion.

106.3 Permit application.

Note to RRC: Below text was submitted to RRC in error on 11/20/23 as this amendment (210608 Item B-2) was not carried forward by the NCBCCC during its approval process.

106.3.1 Information required. A permit application shall be filed with the Inspection Department on a form (see Appendix A) furnished for that purpose. The Inspection Department shall make available a list of information which that must be submitted with the building permit application, including a complete Building Code Summary (see Appendix B) complying with 106.3.2.

Exception: A Building Code Summary is not required if the AHJ (Authority Having Jurisdiction) determines plan review can be performed without the Building Code Summary.

106.3.2 Building Code Summary. The Building Code Summary used by an AHJ shall be in the exact format as, and contain only the information in, Appendix B of the Administrative Code and Policies. An AHJ shall only modify the Building Code Summary as set forth in section 103.5 103.6 Modifications, or as necessary to reflect any changes by the Office of State Fire Marshal to Appendix B which that have been approved of by the Building Code Council.

Note to RRC: Above text was submitted to RRC in error on 11/20/23 as this amendment (210608 Item B-2) was not carried forward by the NCBCCC during its approval process.

Note to RRC: The text below was approved by the NCBCCC on 6/13/23 and was unchanged.

106.3.1 Information required. A permit application shall be filed with the ~~Inspection Department~~ **inspection department** on a form furnished for that purpose. The ~~Inspection Department~~ **inspection department** shall make available a list of information that must be submitted with the building permit application, including a complete building code summary (see Appendix A of the Administrative Code and Policies). The ~~Inspection Department's~~ **inspection department's** building code summary shall be in the exact format as, and contain only the information in, Appendix B of the Administrative Code and Policies. The ~~Inspection Department~~ **inspection department** shall only modify its building code summary as set forth in section_103.5 Modifications, or as necessary to reflect any changes by the Office of State Fire Marshal to Appendix B that have been approved by the Building Code Council.

Note to RRC: The text above was approved by the NCBCCC on 6/13/23 and was unchanged.

106.4 Site address signage. It is the responsibility of the permit applicant or designee to post the 911 **emergency** site address on an active jobsite at the commencement of work regulated by the NC Building Codes. The signage shall be temporary or permanent per 106.4.1 or 106.4.3.

106.4.1 Temporary signage. Signage to identify a construction site location can be temporary. Acceptable temporary signage may include such items as a permit placard, an address written on job box, yard signage or other

approved temporary street name markers shall be required if permanent street signs are not in place for new developments or subdivisions.

106.4.2 Temporary Signage Location. Address signage shall be placed such that it is legible from the street or road that fronts the property at all times during construction.

106.4.3 Permanent signage. Address signage meeting the requirements of the *International Residential Code* Section R319 for One- and Two-family Dwellings, *International Building Code* Section 501.2 or *International Fire Code* Section 505.1 for commercial buildings shall be deemed as meeting the requirements of this section.

SECTION 107 CONSTRUCTION INSPECTIONS

107.1 General. The inspection department shall perform the following inspections:

1. Footing inspection – 107.1.1;
2. Under slab inspection, as appropriate – 107.1.2;
3. Foundation inspection – 107.1.3;
4. Rough in inspection Building framing – 107.1.4;
5. Building framing inspection Rough-in – 107.1.5;
6. Insulation inspection – 107.1.6;
7. Fire protection inspection – 107.1.7; and
8. Final inspection – 107.1.8.

Commentary: The code enforcement official makes these inspections during certain phases of construction and is not on site at all times when construction is in progress. The code official verifies technical code compliance and/or technical code defects visible and subject to discovery during the above listed inspections and spot checks numerous similar items.

Nothing in any of Sections 107.1.1 through 107.1.8 requirements is intended to prevent partial inspections of the inspection types listed in Section 107.1 “General” as requested by the permit holder as allowed by the local inspection department. Cumulative partial inspections approved by the code official shall satisfy the same degree of readiness for inspection for viewing as described in Sections 107.1.1 through 107.1.8.

Not all items, such as, but not limited to, nailing of roof or other sheathing material, are always visible at framing inspection, but remain the responsibility of the permit holder to comply with the code-technical codes.

Temporary electrical service poles may be inspected at any phase of construction as requested by the permit holder. Temporary utility (TU) applications deemed safe by the AHJ or as otherwise permitted by the technical code shall be allowed.

107.1.1 Footing inspection. Footing inspections shall be made after the trenches are excavated, all grade stakes are installed, all reinforcing steel and supports are in place and tied, and all necessary forms are in place and braced before any concrete is placed.

107.1.2 Under-slab inspection. Under-slab inspections, as appropriate, shall be made after all materials and equipment to be concealed by the concrete slab are completed.

107.1.3 Foundation inspection, crawl space. Foundation and crawl space inspections shall be made after all foundation supports are installed.

Commentary: Foundation inspections are conducted to verify correct installation and proper bearing support. Poured concrete and masonry walls that have reinforcement steel should be inspected prior to concrete placement. Crawl space leveling, ground clearances, positive drainage and waterproofing/dampproofing, when required, may be inspected at future inspections prior to concealment.

107.1.4 Building framing inspection. Framing inspections shall be made after the roof (excluding permanent roof covering), wall ceiling, and floor framing is complete with appropriate blocking, bracing, and firestopping in place. The following items shall be in place and visible for inspection:

1. Pipes;
2. Chimneys and vents;

3. Flashing for roofs and chimneys;
4. Insulation baffles; and
5. All lintels that are required to be bolted to the framing for support shall not be covered by any exterior or interior wall or ceiling finish material before approval. Work may continue without approval for lintels supported on masonry or concrete.

107.1.4 **107.1.5 Rough-in inspection.** Rough-in inspections shall be made when all building framing and parts of the electrical, plumbing, fire protection, or heating-ventilation or cooling system that will be hidden from view in the finished building have been placed, but before any wall, ceiling finish, or building insulation is installed.

Commentary: Plumbing, mechanical, and electrical components installed underground should be considered as rough-in inspections and may be inspected at any point during construction prior to covering.

107.1.6 Insulation inspection. Insulation inspections shall be made after an approved building framing and rough-in inspection and after the permanent roof covering is installed, with all insulation and vapor retarders in place, but before any wall or ceiling covering is applied.

Commentary: Insulation baffles that cannot be seen at this inspection, such as vaulted ceilings with concealed rafter cavities, should have baffles installed at framing inspection for verification.

It is acceptable that wall cavity insulation enclosed by an air barrier material behind tubs, showers, and fireplace units installed on exterior walls may not be observable by the code official.

107.1.6 Fire protection inspection. Fire protection inspections shall be made in all buildings where any material is used for fire protection purposes. The permit holder or his agent shall notify the inspection department after all fire protection materials are in place. Fire protection materials shall not be concealed until inspected and approved by the code enforcement official.

Commentary: Fire protection inspection is typically performed in commercial building structures and is required in addition to any special inspection as listed in Chapter 17 of the North Carolina Building Code.

107.1.8 Final inspection. Final inspections shall be made for each trade after completion of the work authorized under the technical codes.

Commentary: Each trade shall complete a final inspection giving approval to permitted work. Work required by the technical codes shall be complete before being requested. Temporary power and temporary certificate of occupancy (TCO) requests are allowed prior to final inspection.

107.2 Inspection requests. It shall be the duty of the permit holder or his or her agent to notify the code enforcement official when work is ready for inspection and to provide access to and means for inspection of the work for any inspections that are required by this code.

107.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code enforcement official. The code enforcement official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder that the work fails to comply with the technical codes. The code enforcement official shall identify code violations and when requested shall identify the specific sections of the technical codes that are violated. Any work that does not comply shall be corrected and shall not be covered or concealed until authorized by the code enforcement official.

107.4 Independent inspections authorized by the code enforcement official. The code enforcement official may authorize a North Carolina registered design professional to inspect the following structural elements, components and systems:

1. The excavation of soil and/or forming of footings with the associated placement of reinforcing steel prior to pouring concrete; and
2. The forming of floors, columns, beams and other structural members, including the placement of reinforcing steel prior to pouring concrete.

To utilize this procedure, the permit holder must continue to schedule all inspections normally required for this work by the inspection department. The registered design professional shall provide weekly reports bearing his seal to the inspection department indicating that the placement of the related construction elements, components and systems either complies or does not comply with the approved permit documents. Any change from the permit documents shall be approved by the code enforcement official prior to its implementation. The permit holder shall immediately inform the code enforcement official if he or she terminates his or her relationship with the registered design professional.

107.5 Special inspections. Special inspections required by the building code or the building inspector shall be performed by a North Carolina registered design professional or an inspector under his responsible charge.

107.6 Inspections of component or element. Acceptance of inspection of a component or element by a NC registered architect or engineer will require completion of the “Design Professional Inspection Form” found in Appendix G.

CHAPTER 2

ADMINISTRATIVE POLICIES

SECTION 201 SCOPE

201.1 Scope. Chapter 2 is provided as procedural policies. ~~Items discussed in this chapter are intended as commentary to the General Statutes.~~

SECTION 202 BUILDING CODE COUNCIL

www.ncbuildingcodes.com

202.1 Duties. The Building Code Council has the following duties:

- 1 Prepare and adopt the North Carolina State Building Code;
2. Revise or amend the ~~code;~~ North Carolina State Building Code;
3. Hear appeals from decisions of state code enforcement agencies as to any matter related to the ~~code;~~ North Carolina State Building Code;
4. Make a thorough and continuing study of the manner of enforcement of the ~~code~~ technical codes and building laws;
5. Make recommendations to State agencies about any changes in administrative practices which could improve the enforcement of the ~~code~~ technical codes or building laws; and
6. Recommend to the General Assembly statutory changes to simplify and improve the building laws.
(General Statutes 143-138, 143-140 and 143-142)

202.2 Composition. The Building Code Council shall consist of 17 members appointed by the governor as follows:

- ~~1 and~~ 2. Two registered architects;
- ~~3~~ 2. One licensed general contractor;
- ~~4~~ 3. One licensed general contractor specializing in residential construction;
- ~~5~~ 4. One licensed general contractor specializing in coastal residential construction;
- ~~6~~ 5. One licensed engineer practicing structural engineering;
- ~~7~~ 6. One licensed engineer practicing mechanical engineering;
- ~~8~~ 7. One licensed engineer practicing electrical engineering;
- ~~9~~ 8. One licensed plumbing and heating contractor;
- ~~10~~ 9. One municipal or county building inspector;
- ~~11~~ 10. One representative of the public who is not a member of the building construction industry;
- ~~12~~ 11. One licensed electrical contractor;
- ~~13~~ 12. One licensed engineer on the engineering staff of a State agency charged with approval of plans of State-owned buildings;
- ~~14~~ 13. One representative of the fire services;
- ~~15~~ 14. One licensed liquid petroleum gas dealer/contractor involved in the design of natural and liquified petroleum gas systems who has expertise and experience in natural and liquid petroleum gas piping, venting and appliances;
- ~~16~~ 15. One municipal elected official or city manager; and
- ~~17~~ 16. One county commissioner or county manager.

(General Statute 143-136)

202.3 Officers and committees. The Building Code Council shall elect a ~~chairman~~Chair and ~~vice-chairman~~Vice Chair from its appointed members. The officers shall serve for a period of two years from the date of election or until their successors are elected. The ~~Building Code Council~~NC Department of Insurance shall appoint a person from the Engineering Division to serve as ~~secretary~~Secretary to the Building Code ~~Council from the Engineering Division of the Department of Insurance-Council.~~
(General Statute 143-137)

202.4 Meetings. The Building Code Council shall meet regularly at least every 6 months. Special meetings may be called by the ~~chairman~~Chair. Any seven members of the Building Code Council shall constitute a quorum. Information concerning the exact time and place of all regular meetings and regular public hearings shall be made available to the public by the Engineering Division of the Department of Insurance 60 calendar days prior to each such meeting or public hearing. Information concerning the exact time and place of ~~eachall~~ meetingsspecial meetings with public hearings required to be noticed in the NC Register shall be made available ~~from~~to the public by the Engineering Division of the Department of Insurance 15 calendar days prior to each such meeting. Information concerning the exact time and place of all special meetings that do not have public hearings required to be noticed in the NC Register shall be made available to the public by the Engineering Division of the Department of Insurance 7 calendar days prior to each such meeting. Agenda items, other than proposed amendments, must be submitted to the Building Code Council Secretary 21 calendar days prior to the scheduled meeting.
(General ~~Statute 143-137~~Statutes143-137 and 143-138)

202.5 Proposed amendments. The Building Code Council may revise or amend the ~~code~~technical codes, either on its own motion or upon application from any person, state agency or political subdivision of the state. Each request to amend the ~~code~~technical codes shall comply with the following ~~policies of the Building Code Council~~polices:

202.5.1 Filings. Twenty-one ~~copies~~hardcopies or a single pdf with an editable softcopy of the proposed amendment with supporting documentation shall be filed with the Building Code Council Secretary.

202.5.1.1 Improper filings. When a ~~request~~proposed amendment is improperly filed or not in accordance with ~~all the rules listed above~~Sections 202.5.1 through 202.5.3, the Building Code Council Secretary shall reject the submittal and notify the applicant of the proper procedure to follow.

202.5.2 Submission date. The proper filing shall be received by the first day of the month prior to the ~~quarterly~~next scheduled ~~council~~Council regular meeting date.

202.5.3 Filing format and required information. Each ~~request~~proposed amendment shall be legibly printed, typed or copied on a form (see Appendix C) available from the North Carolina Department of Insurance, Building Code Council section and shall at a minimum contain the following:

1. The proposed amendment must be set forth in full and contain an explicit reference to the affected section or sections of the technical code;
2. The request shall state the reasons for the proposed amendment with supporting documentation;
3. The proposed amendment shall comply with the standards set forth in General Statute 143-138(c) and reference to the particular standards shall be set forth in the request for the amendment; and
4. The proposed amendment shall contain ~~an economic impact analysis~~a fiscal note performed by the petitioner and approved by the Office of State Budget Management as required by General ~~Statute 143-138(a1)~~Statutes 143-138(a1)(1) and 150B-21.4.
5. A cost/benefit analysis performed by the petitioner for North Carolina Energy Code proposed amendments as required by General Statute 143-138(a1)(2).

202.5.4 Secretary duties. Upon the proper filing of a ~~request~~proposed amendment, the Building Code Council Secretary shall forward one copy of said ~~request~~proposed amendment to each ~~council~~Council member prior to the scheduled meeting date. Persons filing proposed amendment petitions are hereby notifiedcontacted and notified by the Building Code Council Secretary of the place and time of the scheduled ~~hearings~~meetings. The Building Code Council Secretary shall cause agendas to be published for all meetings and public hearings. The Building Code Council Secretary shall cause to be published the notice of public hearing as specified in North Carolina General Statutes 143-138(a).

202.5.5 Actions taken. This section addresses actions taken by the North Carolina Building Code Council for properly filed petitions for rulemaking (code amendments).

202.5.5.1 New petitions for ~~rulemaking~~rulemaking (B-items). Prior to the next scheduled ~~council~~Council meeting:

202.5.5.1.1 Council ~~chair~~Chair. The ~~council chair~~Council Chair shall assign each proposed amendment to the appropriate standing committee chair(s).

202.5.5.1.2. Standing committee. The standing committee(s) shall review the proposed amendment and the

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chair(s) of the committee(s) shall then, based on the committee review, recommend to the ~~council~~:Council:

- a. denial;
- b. acceptance;
- c. acceptance with committee modifications; or,
- d. tabling the proposed amendment to the next scheduled ~~council~~Council meeting pending further review by the committee(s) or an ad-hoc committee appointed by the ~~council chair~~Council Chair.

202.5.5.1.3 Council. The ~~council~~Council will determine whether the proposed amendment or committee modified proposed amendment will be accepted, denied or tabled for further review by the standing committee or an ad-hoc committee. For proposed amendments that are sent to a committee or ad-hoc committee for review, the ~~council~~Council shall set a date for the committee to issue its findings to the ~~council~~:Council.

The ~~council~~Council will take no further action on ~~items~~proposed amendments that are denied. Granted ~~items~~proposed amendments may be referred to committee for review (General Statute 150B-20(d)). The Secretary to the ~~council~~Council shall inform the proponent of the proposed amendment in writing of the reason for the denial (General Statute 150B-20(c)).

202.5.5.2 Notice of rulemaking proceedings and public hearing-hearing (C-items). ~~Amendments~~Proposed amendments that are approved by the ~~council~~Council in Section 202.5.5.1.3 shall be:

- a. included in the agenda for the following ~~council~~Council meeting;public hearing;
- b. advertised by the North Carolina Office of Administrative Hearings for public hearing as required by General Statute 150B-21.2; and,
- c. advertised on the North Carolina Department of Insurance website a minimum of 15 calendar days prior to the public hearing date.

202.5.5.3 Final adoption-adoption (D-items). The Building Code Council shall either grant or deny properly submitted proposed ~~petitions for rulemaking~~amendments at the meeting following the public hearing required by Section 202.5.5.2. Granted proposed amendments shall be published on the North Carolina Department of Insurance website within 30 days after the adopted amendment is reviewed and approved by the North Carolina Rules Review Commission and in accordance with Section 202.6.1.

The ~~council~~Council will take no further action on ~~items~~proposed amendments that are denied. ~~Amendments~~Proposed amendments that are ~~substantially similar~~identical to a denied proposed amendment cannot be resubmitted for consideration by the ~~council~~Council for a minimum of 12 months from the date of the denial.

202.5.5.4 North Carolina Rules Review Commission. A proposed amendment that is granted by the ~~council~~Council is ~~not~~ adopted ~~or~~but is not published as adopted until it has been approved by the Rules Review Commission. If the commission sends an adopted amendment back to the ~~council~~Council for further work,with a request for changes, the ~~revised proposed~~adopted amendment shall be corrected~~readopted~~is not considered adopted and will not be published as ~~adopted~~readopted until it is resubmitted to the commission and the commission approves the corrected adopted amendment. ~~Amendments are not approved for use based on the effective date under which the amendment was adopted by the Council until approved by the commission.~~

202.5.6 The Building Code Council shall either grant or deny the proposed petition for rule making at the meeting following receipt of the proposed rule change. The council will take no further action on items that are denied. Granted items may be referred to committee for review.

202.5.7 The Building Code Council may hold a public hearing on granted items at the next quarterly scheduled meeting. The council may take final action on granted items at the next quarterly scheduled meeting after the public hearing.

**Table 202.5.5
Typical Timeline Example for Adopted Rules**

<u>Rule Petition Received:</u>	February 1
<u>Standing Committee First Review:</u>	February – March
<u>Rule Petition Granted for Public Hearing:</u>	March BCC meeting
<u>Notice of Hearing Published:</u>	April NC Register
<u>Committee Review:</u>	April – May
<u>Hearing Held:</u>	June BCC meeting public hearing

<u>Standing Committee Final Review:</u>	June – September
Final <u>Rule Adoption:</u>	September BCC meeting
Rules Review Meeting:	November RRC meeting
<u>Approved-Effective:</u>	<u>December – First day of the month following the month the adopted rule is approved by RRC or a delayed effective date approved by the BCC.</u>

202.6 Publications.

202.6.1 Amendments. The Building Code Council shall print all amendments to the codes, and the amendments shall be available for distribution in accordance with General Statute 143-138(g). Publication of adopted amendments on the Building Code Council website is deemed to meet the publication requirement of General Statute 143-138(g). Amendments, Notices meeting and public hearing notices and minutes are available either at no charge on the Council web page or for a fee as prescribed by Agency Rules.page.

202.6.2 Council webpage. The minutes and agenda of the Building Code Council may be found on the Council web page located at <http://www.ncbuildingcodes.com> <https://www.ncosfm.gov/codes/building-code-council-bcc/meeting-dates>. Click on the desired information topic.

202.6.3 Engineering newsletter. Newsletters will be sent to online subscribers. Archive copies may be found on the Engineering web page located at <http://www.ncdoi.com/osfm>. Click on Building Codes to subscribe.

202.7 Approval of local ordinances. The Building Code Council may approve local regulations governing the Fire Prevention Code. All regulations shall be approved by the Building Code Council in order to be legally effective. Regulations approved by the local governing body, which are found to be more stringent than the fire prevention code and, which are found to regulate activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and are not in conflict with the North Carolina State Building Code, shall be approved once reviewed and filed by the Building Code Council. The rules listed in Section 202.5 shall apply for filing a proposed local deviation to the Fire Prevention Code along with the following:

1. Twenty-one ~~copies~~ hardcopies or a single pdf and editable soft copy of the resolution adopted by the governing body requesting the proposed deviation to the fire prevention code.
2. After approval by the Building Code Council, the Building Code Council Secretary shall advise the local governing body and shall retain a copy in the Building Code Council’s file as a permanent record.

[General Statute 143-138(e)]

202.8 Committees.

202.8.1 Super committees. There are two supercommittees designated by N.C.G.S. 143-136, commercial committee and residential committee. The duties of those committees are to, in their respective areas of authority, approve or deny proposed code amendments prior to the amendment being addressed by the full council.Council and make recommendations to the full council.Council regarding appeals before the council.Council.

202.8.1202.8.2 Standing committees. The standing committees shall consist of members of the Building Code Council. The ChairmanChair of the Building Code Council shall appoint the chairmenchair and members of each committee.

202.8.2202.8.3 Ad hoc committees. For each code edition, the ChairmanChair shall establish and appoint ad hoc code revision committees and appoint the chairmen.chair of each committee. The ad hoc committees shall consider and prepare revisions and amendments to the technical code volumes. Each ad hoc committee shall consist of members of the Building Code Council, Department of Insurance staff, licensed contractors, and design professionals most affected by the technical code volume for which the ad hoc committee is responsible and members of the public.

Guidelines for Ad Hoc Committees:

1. *Ad Hoc committee is asked to approach its Approach code review with the idea of producing a newly amended technical code with as few changes from the 2009 ICC model technical codes as the committee deems practicable.*
2. *Current Code shall be considered base line baseline for technical code comparison.*
3. *Ad Hoc committee is asked to provide Provide a list of major changes to the Standing Committee and Council for review.*
4. *If code changes are thought to be controversial, it is suggested that the Ad Hoc committee consider Consider handling such complex technical code change-items as separate standalone technical code changes-changes to avoid adoption delays of the technical code volumes.*
5. *Ad Hoc committees shall submit its report to the appropriate Standing Committee for review.*
6. *After its review, the Standing Committee is asked to make a recommendation to the Building Code Council for adoption.*

202.8.4 Hearing committee. The ~~chairman~~Chair may appoint a hearing committee to hear an appeal.

202.9 Appeals. [General Statute 143-141(d)]

202.9.1 Engineering division. A written technical interpretation shall be provided as specified in Section 203.2.1.2. Any person may appeal in writing an order, decision or ~~determination~~interpretation pertaining to the ~~code~~technical codes or any state building law by filing written notice with the Commissioner of Insurance or his designee within 10 calendar days after the order, decision or ~~determination~~interpretation. A copy of the appeal shall be furnished to each party.

(General Statutes 143-140 and 160D-1127)

202.9.2 Building Code Council. The Building Code Council shall hear appeals from the decisions of state enforcement agencies relating to any matter related to the ~~code~~technical codes. Any person wishing to appeal a decision of a state enforcement agency to the Building Code Council shall give written notice of appeal as follows:

202.9.2.1 Filing. Twenty-one ~~copies~~hardcopies including an original of the Notice of Appeal or a single pdf and ~~editable softcopy~~ shall be filed with the Building Code Council c/o North Carolina Department of Insurance, Engineering Division, 325 North Salisbury Street, Room ~~5-44542~~, Raleigh, North Carolina 27603, and one copy shall be filed with the state enforcement agency from which the appeal is taken.

202.9.2.2 Submission date. The Notice of Appeal shall be received no later than 30 calendar days from the date of the decision of the State enforcement agency. (General Statute 143-141).

202.9.2.3 Filing format and required information. The Notice of Appeal shall be legibly printed, typewritten or copied and shall contain the following (See Appendix E):

1. Name, address of the party or parties requesting the appeal.
2. The name of the state enforcement ~~agency~~and the date of the decision from which the appeal is ~~taken, and a copy of the written decision received from the enforcement agency taken.~~
3. The decision from which the appeal is taken shall be set forth in full in the Notice of Appeal or a copy of the decision shall be attached to all copies of the Notice of Appeal.
4. The contentions and allegations of fact must be set forth in full in a clear and concise manner with reference to the sections of the code in controversy.
5. The original Notice of Appeal shall be signed by the party or parties filing appeal.
6. The Notice of Appeal shall be received by the first day of the month prior to the Building Code Council's quarterly scheduled meeting in order to be placed on the agenda for that meeting. The ~~Chairman~~Chair may schedule a special meeting to hear an appeal.

202.9.2.4 Secretary duties. Upon the proper filing of the Notice of Appeal, the Building Code Council Secretary shall forward one copy of the Notice of Appeal to ~~each member of the attorney for the Building Code Council and the council's~~Council's attorney shall distribute the appeal ~~as necessary~~ to each ~~council~~Council member.

202.9.2.5 Hearing Committee. The ~~chairman~~Chair may appoint a Hearing Committee to hear appeals. The Secretary shall send notice in writing to the party or parties requesting an appeal and to the Building Code Council Hearing Committee members at least 15 calendar days prior to the Hearing Committee meeting. A written decision of the Hearing Committee meeting shall be provided to all Building Code Council Members. The actions of the Hearing Committee shall be final, unless appealed to the full Building Code Council in writing within 30 calendar days of the Hearing Committee's action. If a Hearing Committee consists of at least seven ~~council~~Council members, it will constitute a quorum of the full ~~council~~Council. Further appeals shall be as

specified in Section 202.9.3.

202.9.2.5202.9.2.6 Dismissal. The Building Code Council shall, upon a motion of the State enforcement agency or on its own motion, dismiss appeals for the following reasons:

1. Not pursued by the appellant or withdrawn;
2. Appeal not filed in accordance with these rules; or
3. Lack of jurisdiction by the Building Code Council.

202.9.2.6202.9.2.7 Findings. When the Building Code Council finds that a State enforcement agency was in error in its interpretation of the ~~code,~~ **technical codes,** the Building Code Council shall remand the case to the agency with instructions to take such actions as the Building Code Council directs. When the Building Code Council finds on appeal that materials or methods of construction proposed are equivalent to those required by the ~~code,~~ **technical codes,** the Building Code Council shall remand the case to the state enforcement agency with instructions to permit the use of such materials or methods of construction. The Building Code Council shall immediately initiate procedures for amending the ~~code,~~ **technical codes** to permit the use of such materials or methods of construction.

202.9.2.7202.9.2.8 Decision. The Building Code Council shall provide a written decision setting forth the findings of fact and the Building Code Council’s conclusions to each party or parties filing the appeal and to the State enforcement agency from which the appeal was taken.

202.9.3 Superior court. Whenever any person desires to appeal a decision of the Building Code Council or a decision of a State or local enforcement agency, ~~he~~ **that person** may appeal either to the Wake County Superior Court or the superior court of the county in which the proposed building is to be situated in accordance with the provisions of Chapter 150B of the General Statutes.

~~[General Statute 143-141(d)]~~

**SECTION 203
NORTH CAROLINA DEPARTMENT OF INSURANCE**

www.ncdoi.com/osfm

203.1 Administration.

203.1.1 Commissioner of Insurance. The Commissioner of Insurance through the Engineering Division shall have general supervision of the administration and enforcement of the North Carolina State Building Code. This includes all sections of the code pertaining to:

1. General building restrictions and regulations;
2. Plumbing;
3. Heating and air conditioning;
4. Electrical systems;
5. Fire protection; and
6. Natural or liquified petroleum gas ~~systems.~~ **systems. [General Statute 143-139(b)] systems included in the technical codes.**

~~(General Statute 143-139(b))~~

203.1.1.1 Investigation of fires. Whenever the Commissioner of Insurance has reason to believe that investigators of fire or fire prevention inspectors are not fulfilling their responsibilities, ~~he or his designee~~ **the Commissioner or deputy assigned by the Commissioner** shall take proper steps to have all provisions of the law enforced.

(General Statute 58-2-95)

203.1.1.2 Investigation of premises for dangerous materials. The Commissioner of Insurance or ~~his or her~~ **designee assigned by the Commissioner** shall hear appeals from orders issued by the code enforcement official to remove or remedy combustible materials or inflammable conditions dangerous to any building or premises. The appeal shall be made within 24 hours of issue, not counting weekends or holidays. The commissioner shall cause the complaint to be investigated immediately. The Commissioner or ~~his or her~~ **designee assigned by the Commissioner** may make inspections of the complaint alone or in the company of the code enforcement official. Unless the Commissioner by ~~his or her~~ **authority** revokes the order of the code enforcement official, the order remains in force and must be complied with by the owner or occupant.

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(General Statute 58-79-20)

203.1.1.3 Buildings within primary fire limits. The Commissioner of Insurance or ~~his or her~~ designee ~~assigned by the Commissioner~~ shall review all permits to erect, alter, repair or move any wood-frame building or structure within the primary fire district of a municipality. Such permits shall be received and approved by the ~~Inspection Department~~ ~~inspection department~~ and approved by the ~~Municipal Council governing board~~ prior to the Commissioner or ~~his or her~~ ~~Commissioner~~ designee's approval.
(General Statute 160D-1128)

203.2 Engineering Division. The Engineering Division of the Department of Insurance shall serve as staff for the Building Code Council and the Code Official's Qualification Board. The Engineering Division shall work in cooperation with code enforcement officials and provide general supervision in the administration and interpretation of the ~~code~~ ~~technical codes~~. The staff shall handle correspondence and maintain an accurate and complete record of:

1. All meetings or hearings,
2. Laboratory studies, and
3. Technical work performed by or for the Building Code Council.

All records shall be available for public inspection during regular office hours. All funds for the operation of the Building Code Council shall be appropriated to the Department of Insurance. The Department of Insurance may hire additional staff as may be necessary to handle the work of the Building Code Council with the approval of the ~~council~~ ~~Council~~.

[General Statute 143-137(c)]

203.2.1 Interpretations.

203.2.1.1 Informal interpretations. The Engineering Division shall provide informal interpretations on ~~code~~ ~~technical~~ code-related matters either by e-mail, letter or telephone. These informal interpretations may be accepted by the local code enforcement official or party requesting the interpretation. Either party may request a formal interpretation of the ~~code~~ ~~technical codes~~.

203.2.1.2 Formal interpretations. Any person may request in writing a formal interpretation of the ~~code~~ ~~technical codes~~. The request shall be addressed to the Chief Code Consultant for the Department of Insurance. The request shall be specific and shall reference the ~~code~~ ~~technical~~ code sections in question. All formal interpretations shall be in writing and include Appendix E as a cover document. A formal interpretation shall be binding on all parties unless appealed to the Building Code Council as specified in Section 201.9.2. Formal interpretations determined to be of a general nature may be posted on the department web site.

(General Statute 143-140)

203.2.2 Appeals. Any person may appeal in writing an order, decision or determination of a code enforcement official pertaining to the ~~code~~ ~~technical codes~~ or any state building law. The appeal shall be addressed to the Chief Engineer for the Department of Insurance by filing written notice within 10 ~~calendar~~ days after the order, decision or determination. The appeal shall contain the type and size of the building in question, the location of the building and shall reference the ~~code~~ ~~technical~~ code sections in question. The decision shall be in writing and shall set forth the facts found. The decision rendered shall be based on the technical provisions of the code, public health and safety and shall be construed liberally to those ends. A decision shall be binding on all parties unless an appeal is submitted to the Building Code Council as specified in Section 202.9.2. A copy of the appeal and written decision shall be furnished to each party. A decision regarding an appeal of alternate material, design, or methods as allowed by Section 105.3 shall be provided in 10 business days or less as required by General Statute 143.140.1.

(General Statute 160D-1127)

203.2.3 Code Errata. It shall be the responsibility of the Chief Code Consultant for the Department of Insurance to issue errata to the ~~NC~~ ~~North Carolina~~ State Building Codes. Before publishing an ~~errata~~ ~~errata~~, the errata shall be reviewed by the Chair of the ~~NC~~ Building Code Council standing committee for the related ~~code~~ ~~technical~~ code. The errata shall be published on the Department of Insurance website with the ~~code~~ ~~technical~~ code amendments.

203.2.3 Engineering newsletter. Newsletters will be sent to online subscribers. Archive copies may be found on the Engineering web page located at <https://www.ncosfm.gov/Newsletters>. To subscribe to engineering newsletters go to https://lists.ncmail.net/mailman/listinfo/ncdoi_engineering.

SECTION 204 CITY AND COUNTY GOVERNMENT

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(Click on “For Government, Local Government”)

204.1 General. The powers, duties and responsibilities of the code enforcement official are generally described in General Statute 160D, Article 11. This section does not apply to properties owned by state and federal government entities unless specifically requested by those entities.

204.2 Inspection department.

204.2.1 General. The responsibility for administration and enforcement of the code technical codes has been allocated to local code enforcement officials under the supervision of State officials as designated within Section 203.

[General Statute 143-139(b)]

204.2.2 Jurisdiction. A municipal inspection department shall have jurisdiction over all areas within the city limits, all extraterritorial areas that the city has jurisdiction pursuant to state laws, and over any areas in which the municipal limits have contracted with another unit of government to perform code enforcement. A county inspection department shall have jurisdiction over all unincorporated areas outside any municipal jurisdiction located within the county, all areas in which a municipality has requested the county to enforce the code technical codes, and within the jurisdiction of another unit of government in which the county has contracted to perform code enforcement. A joint inspection department created by two or more units of government shall have the authority to enforce the code technical codes in all areas of legal jurisdiction of all units of government supporting the joint department.

(General Statutes 160D-1104 and 160D-1107)

204.2.3 Duties. Inspection departments shall:

1. Receive applications and supporting data for permits;
2. Issue or deny permits;
3. Make all necessary inspections to ensure technical code compliance;
4. Identify technical provisions found to be inconsistent with the inspection;
5. Issue or deny certificates of compliance and certificates of occupancy;
6. Issue stop work orders or orders to correct violations;
7. Maintain adequate records of permits issued or denied, inspections made, corrections ordered and certifications issued; and
8. Take other actions that may be required to adequately enforce the code technical codes.

(General Statute 160D-1104)

204.2.4 Code enforcement officials qualifications. No state or local government employee shall enforce any provision of the North Carolina State Building Codes who does not possess an appropriate valid certificate issued by the North Carolina Code Officials Qualification Board as specified in General Statutes 143-151.13 and 160D-1103.

204.2.5 Conflict of interest. Information about conflict of interest for code enforcement officials can be found in General Statute 160D-1108.

204.2.6 Right of entry. The code enforcement official shall have the right to enter buildings or premises as described in General Statutes 160D-1113 and 160D-1117.

204.2.7 Stop work orders. General Statute 160D-404 authorizes a code enforcement official to issue stop work orders. The statute describes when a stop work order can be issued, and how the stop work order is to be issued. See Section 204.10 for appeal of stop work orders.

204.2.8 Unsafe building or systems. A code enforcement official’s authority to condemn an unsafe building is found in General Statute 160D-1119.

204.3 Fire prevention department code enforcement

204.3.1 General. The responsibility for administration and enforcement of the North Carolina Fire Prevention Code has also been allocated to county fire marshals and city and town fire chiefs under the supervision of State officials as designated within Section 203.

(General Statutes 160A-292, 160A-291, and 160A-292)

204.3.2 Jurisdiction. A municipal city or town fire department chief shall have jurisdiction over all areas within the city or town limits, all extraterritorial areas that the city or town has jurisdiction pursuant to state laws, and over any areas in which the municipal city or town limits have contracted with another unit of government to perform code

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~~enforcement-enforcement of the North Carolina Fire Prevention Code.~~ The county fire marshal and ~~his or her~~ appointed assistants appointed by the county fire marshal shall have jurisdiction over all unincorporated areas outside any ~~municipality or town~~ jurisdiction located within the county, all areas in which a ~~municipality city or town~~ has requested the county to enforce the ~~code~~ North Carolina Fire Prevention Code, and within the jurisdiction of another unit of government in which the county has contracted to perform ~~code enforcement-enforcement of the North Carolina Fire Prevention Code.~~ A joint inspection department created by two ~~Two~~ or more units of government shall have the authority to jointly enforce the ~~code~~ North Carolina Fire Prevention Code in all areas of legal jurisdiction of all units of government supporting the joint ~~department~~ agreement to enforce the North Carolina Fire Prevention Code.

(General Statutes 153A-234, 160A-292, 160D-1104 and 160D-1107)

204.3.3 Duties. ~~Fire prevention departments shall:~~

1. Receive applications and supporting data for permits;
2. Issue or deny permits;
3. Make all necessary inspections to ensure ~~code compliance;~~ compliance with the North Carolina Fire Prevention Code;
4. Identify technical provisions found to be inconsistent with the inspection;
5. Issue or deny certificates of compliance and certificates of occupancy;
6. Issue stop work orders or orders to correct violations;
7. Maintain adequate records of permits issued or denied, inspections made, corrections ordered and certifications issued;
8. Take ~~other actions that may be required to adequately enforce the code;~~ Code enforcement actions; to enforce the North Carolina Fire Prevention Code;
9. Investigate the cause, origin, and circumstances of every fire in which property has been destroyed or damaged;
10. Inspect public school buildings a minimum of two times during a calendar year for removal of hazards, provided that the periodic inspections shall be at least 120 calendar days apart; and
11. Inspect new and existing lodging establishments, including hotels, motels, and tourist homes that provide accommodations for seven or more continuous days (extended-stay establishments), bed and breakfast inns, and bed and breakfast homes for the installation and maintenance of carbon monoxide alarms and detectors annually.

(General Statutes 160D-1104, 58-79-1, 115C-525(b), 130A-247, and 143-138(b)(2))

204.3.4 Fire code enforcement official's qualifications. No county fire marshal or ~~municipal city or town~~ fire chief or their appointed assistants shall enforce any provision of the North Carolina State Building Codes who does not possess an appropriate valid certificate issued by the North Carolina Code Official's Qualification Board as specified in General Statutes 143-151.13 and 160D-1103.

204.3.5 Conflict of interest. Information about conflict of interest for code enforcement officials can be found in General Statute 160D-1108.

204.3.6 Right of entry. The fire code enforcement official shall have the right to enter buildings or premises where it is necessary to make a fire prevention inspection to enforce the provisions of the North Carolina Fire Prevention Code or where otherwise authorized as described in General Statutes 153A-234, 160A-292, 160D-1113 and 160D-1117.

204.3.7 Administrative Inspection Warrants. Where the fire code enforcement official has first obtained a proper inspection warrant to secure entry to conduct an inspection, an owner, the owner's authorized agent, or occupant or person having charge, care or control of the building or premises shall not fail or neglect, to permit entry therein by the fire code enforcement official for the purpose of inspection and examination.

(General Statute 15-27.2)

204.3.8 Identification. The fire code enforcement official shall carry ~~proper identification~~ official credentials such as a badge or certificate that demonstrates the official's authority when inspecting structures or premises in the performance of duties, and shall present ~~proper~~ official credentials when making inspections.

(General Statute 160D-1117)

204.3.9 Stop work orders. General Statute 160D-404 authorizes a fire code enforcement official to issue stop work orders. The statute describes when a stop work order can be issued, and how the stop work order is to be issued. See Section 204.10 for appeal of stop work orders.

204.3.10 Unsafe building or systems. A fire code enforcement official's authority to condemn an unsafe building

is found in General Statute 160D-1119.

~~204.3~~204.4 Permits.

~~204.3.1~~204.4.1 **General.** No person may commence or proceed with:

1. The construction, reconstruction, alteration, repair, movement to another site, removal or demolition of any building;
2. The installation, extension or general repair of any plumbing system;
3. The installation, extension, alteration or general repair of any heating or cooling equipment system; or
4. The installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment without first securing from the Inspection Departmentinspection department with jurisdiction over the site of the work each permit required by the North Carolina State Building Codes and other State or local law or local ordinance or regulation applicable to the work.

(General Statute 160D-1110)

~~204.3.2~~204.4.2 **Validity/Expiration.** In accordance with General Statute 160D-1111, a permit expires 6 months, or any lesser time fixed by local ordinances, after the date of issuance if the work authorized by the permit has not been commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit immediately expires. No work authorized by a permit that has expired may be performed until a new permit has been issued.

~~204.3.3~~204.4.3 **Changes in work.** Work shall not deviate substantially from that described on the permit documents. After a building permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where changes or deviations are clearly permissible under the North Carolina State Building Code, shall be made until specific written approval of proposed changes or deviations has been obtained from the inspection department.

~~204.3.4~~204.4.4 **Information required.** A permit application shall be filed with the Inspection Departmentinspection department on a form furnished for that purpose. The Inspection Departmentinspection department shall make available a list of information which must be submitted with the building permit application, including a complete building code summary (see Appendix B) and a permit application information sheet (see Appendix A).

~~204.3.5~~204.4.5 **Design professional seal required.** Where the General Statutes, North Carolina Board of Architecture and Registered Interior Designers, or the North Carolina Board of Examiners for Engineers and Land Surveyors require, no permit shall be issued unless the construction documents (drawings and specifications) bear the North Carolina seal of a *registered design professional*. *Construction documents* shall include the name and address of the business entity (individual, corporation or partnership) with whom the registered design professional is affiliated. Questions concerning this section should be directed to the North Carolina Board of Architecture and Registered Interior Designers, the North Carolina Board of Examiners for Engineers and Land Surveyors, or the National Institute for Certification Engineering Technologies (NICET) Board of Governors.

(General Statute 83A-10 and 83A-13)

~~204.3.5.1~~204.4.5.1 **Registered design professional.** The registered design professional shall be a registered architect, registered interior designer, licensed professional engineer or NICET Level III sprinkler or fire alarm designer legally registered or licensed under the laws of this state.

~~204.3.6~~204.4.6 **Contractor license required.** When the General Statutes require that general construction, plumbing, mechanical, electrical, fire protection or gas work be performed by an appropriately licensed individual, no permit for such type work shall be issued to an unlicensed person or firm. Additional requirements may be found in General Statutes 87-14, 87-21(e), 87-43.1, 87-58, 153A-134, 160A-194 and 160D-1110.

~~204.3.7~~204.4.7 **Contractor responsibilities.** It shall be the duty of every person who contracts for the installation or repair of a building or service system to comply with State or local rules and regulations concerning licensing. It shall be the contractor's responsibility to conform to the technical codes for all installations or repairs of a building or service system.

~~204.4~~204.5 Issuing permits.

~~204.4.1~~204.5.1 **Action on permits.** In accordance with General Statute 160D-1110, the Inspection Departmentinspection department shall examine each application for a permit to determine if it is in compliance with the requirements of the technical codes and other pertinent laws and ordinances. If the inspection department is satisfied that the work described in the application conforms to the requirements of the technical codes and other pertinent laws and ordinances, it shall issue a permit to the applicant. If the application does not conform to the requirements of the technical codes and other pertinent laws and ordinances, the application shall be returned to the applicant with the reasons for refusal stated.

(General Statute 160D-1104 and 160D-1110)

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~~204.4.2~~**204.5.2 Permits for modular construction.** Permits shall be required for the installation, connection of units, foundations, utility connections or alterations of buildings or components manufactured off the site and labeled by a third-party agency accredited and listed by the Building Code Council.

~~204.4.2.1~~**204.5.2.1 Third-party certification agencies.** Third-party certification agencies shall be accredited and listed by the Building Code Council. Inspection and certification of buildings or components manufactured off the site and labeled by a third-party agency shall be accepted by the inspection department without further inspection. Permits and fees may be required for any installation, connection of units, foundations, utility connections or alterations of such work.

~~204.5.1~~**204.6 Conditions of the permit.**

~~204.5.1~~**204.6.1 Contractor responsibilities.** It shall be the duty of every person who contracts for the installation or repair of a building or services system to comply with state or local rules and regulations concerning licensing. It shall be the contractor's responsibility to conform to this code and the technical codes for all installations or repairs of a building or service system. Violations and penalties of these provisions are listed in Sections 204.12 through 204.14 of this code. Additional requirements can be found in General Statutes 87-1 through 87-14.

~~204.5.2~~**204.6.2 Permit intent.** A permit issued shall be construed as permission to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes. Issuance of a permit shall not prevent the inspection department from requiring correction of errors in plans, construction or violations of this code.

(General Statute 160D-1110)

~~204.5.3~~**204.6.3 Revocation of permits.**

~~204.5.3.1~~**204.6.3.1 Misrepresentation of application.** The code enforcement official shall ~~revoke, revoke~~ in ~~writing, writing~~, a permit or approval issued under the provisions of this or the technical codes for:

1. Any ~~substantial departure from the approved application, drawings or specifications; changes or deviations from the terms of the application, plans and specifications, or the permit, including a change of contractor or subcontractor.~~

~~Comment: Change of contractor or subcontractor is considered a substantial departure from the approved application.~~

2. Refusal or failure to comply with the requirements of any applicable State or local laws; or,
3. Any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
4. See the North Carolina Fire Prevention Code for other permit revocation requirements.

~~204.5.3.2~~**204.6.3.2 Violation of code provisions.** The code enforcement official may revoke a permit upon determination that the work for which the permit was issued is in violation of, or not in conformity with, the provisions of this or the technical codes.

(General Statute 160D-1115)

~~204.6.2~~**204.7 Fees.**

~~204.6.1~~**204.7.1 Fees.** A permit shall not be issued until the fees prescribed by the local governing authority have been paid. No amendment to a permit shall be released until the additional fee, if any, has been paid.

(General Statute 160D-402)

~~204.6.2~~**204.7.2 Work commencing before permit issuance.** If any person commences any work on a building or service systems before obtaining the necessary permit, he or she shall be subject to a penalty as established by the local governing body.

(General Statutes 160D-402)

~~204.7.2~~**204.8 Inspections.** In addition to the inspections required by Section 107, the code enforcement official shall provide inspections as required by Sections 204.8.1 and 204.8.2.

~~204.7.1~~**204.8.1 Periodic inspections for hazardous or unlawful conditions.** The inspection department shall make periodic inspections as specified in General Statute 160D-1117.

~~204.7.2~~**204.8.2 Required public school inspections.** Inspections of schools for fire hazards shall be in accordance with General Statute 115C-525(b).

~~204.8.2~~**204.9 Certificate of compliance.**

~~204.8.1~~**204.9.1 Building occupancy.** A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the inspection department has issued a certificate of

compliance. The certificate of compliance shall not be issued until all required service systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the inspection department.

(General Statute 160D-1116)

204.8.2204.9.2 Certificate of compliance. Upon satisfactory completion of a building, plumbing, mechanical, electrical, fire protection or gas system, or portion thereof, a certificate of compliance shall be issued. The certificate of compliance represents that a structure or system is complete and for certain types of permits is permission granted for connection to a utility system. The certificate of compliance shall not be construed to grant authority to occupy a building.

(General Statute 160D-1116)

204.8.3204.9.3 Temporary/partial occupancy compliance. A temporary/partial certificate of compliance may be issued permitting occupancy for a stated period for specific portions of a building or service system that the inspector finds safe for occupancy prior to final completion of the entire building or system.

(General Statute 160D-1116)

204.10 Certificate of occupancy.

204.8.4 Issuing certificate of occupancy. 204.10.1 Building occupancy. A new building shall not be occupied until after the inspection department has issued a certificate of occupancy. Upon satisfactory completion of a building and after the an approved final inspection, the inspection department may shall issue a certificate of occupancy stating the occupancy that may be safely occupied. The certificate of occupancy shall state the occupancy may be safely occupied. See section 204.8.4.1 for application of upfits and shell buildings.

204.8.4.1204.10.1.1 Existing buildings. A certificate of occupancy for any existing building, including upfits and shell buildings, may be obtained by applying to the inspection department and supplying the building and technical information and data necessary requested by the inspection department to determine compliance with the technical codes for the occupancy intended. Where necessary, the code enforcement official may require detailed drawings drawings, specifications, product manufacturer’s installation instructions, product listing and labeling information and inspections to determine compliance with the applicable technical codes. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued. The certificate shall state the approved occupancy type. This section also applies to a change of occupancy within an existing building.

204.10.1.2 Temporary/partial occupancy. A temporary/partial certificate of occupancy may be issued permitting occupancy for a stated period for specific portions of a building that the inspector finds safe for occupancy prior to final completion of the entire building.

204.9204.11 Service utilities.

204.9.1204.11.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the technical codes until approved by the inspection department and a certificate of compliance is issued.

(General Statute 143-143.2)

204.9.2204.11.2 Temporary connection. The inspection department may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems.

(General Statute 160D-1116)

204.10204.12 Appeal of stop work orders. Whenever a stop order has been issued by an inspection department involving alleged violations of the North Carolina State Building Codes, the owner or builder may appeal in writing to the Commissioner of Insurance, or his or her designee, designee assigned by the Commissioner, within 5 calendar days after the date the order is issued, with a copy of the appeal to the inspection department. No further work may take place in violation of a stop order. The Commissioner, or his or her designee, designee assigned by the Commissioner, shall promptly conduct an investigation. The inspection department and the owner or builder shall be permitted to submit relevant evidence for the investigation. The Commissioner of Insurance, or his or her designee, designee assigned by the Commissioner, shall provide a written statement of the decision setting forth the facts found, the decision reached and the reasons for the decision. In the event of dissatisfaction with the decision, the person affected owner or builder shall have the option of appealing as set forth in Section 203.1.2.

(General Statutes 160D-1114)

204.11204.13 Floor loads and occupant loads.

204.11.1204.13.1 Occupancy. No building shall be occupied for any purpose that will cause the floors to be loaded beyond their safe capacity. It shall be the responsibility of the owner or occupant of any building, where excessive floor loading is likely to occur, to employ a design professional in computing the safe load capacity. The computations shall be filed as a permanent record of the inspection department. The inspection department may

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permit occupancy of a building when the department is satisfied that the capacity will not be exceeded.

204.11-2204.13.2 Occupant load posted. When required by the code enforcement official and in all Group A-2 occupancies with a North Carolina alcohol license, signs stating the occupant load determined in accordance with occupant load specified in the technical codes shall be posted by the owner of the building in each assembly room, auditorium or room used for a similar purpose where fixed seats are not installed. The seating capacity shall be determined in accordance with the technical codes and signs posted at locations approved by the code enforcement official. It shall be unlawful to remove or deface such notice or to permit more than this legal number of people within such space. The signs shall read as follows:

“Occupancy by more than _____ persons is
dangerous and unlawful

_____, CEO”

204.12204.14 Violations. Any person, firm, corporation or agent who violates a provision of this code or the technical codes shall be guilty of a Class 3 misdemeanor. Each person shall be considered guilty of a separate offense for each and every portion thereof during which any violation is committed or continued, for a period of 30 days. Upon conviction of any such violation the person shall be liable to a fine not to exceed \$50.00 for each offense. Any violation incurred more than 1 year after another conviction for violation of the occupancy limits shall be treated as a first offense for the purposes of establishing and imposing penalties.

[General Statute 143-138(h)]

204.13204.15 Remedies.

204.13.1204.15.1 General. In case any building or structure is constructed or its purpose altered so that it ~~becomes in violation~~ violates the requirements of the technical codes, or if the occupancy limits established are exceeded, the code enforcement official may institute any appropriate action or proceedings, including civil remedies, to:

1. Prevent the unlawful erection, construction or reconstruction or alteration of purpose, or overcrowding;
2. Restrain, correct or abate the violation; or
3. Prevent the occupancy or use of the building, structure or land until the violation is corrected.

204.13.2204.15.2 Fire prevention. Refer to the *North Carolina Fire Code* for summary abatement requirements for fire prevention code violations and penalties.

204.14204.16 Code enforcement official not fulfilling responsibilities. When the code enforcement official does not fulfill his responsibilities as specified in Section 204.13, the Commissioner of Insurance or his or her designee designee assigned by the Commissioner may institute any appropriate actions or proceedings available. (General Statutes 14-230, 14-231, 14-232, 160D-1109)

SECTION 205 OTHER AGENCIES

www.ncgov.com (Click on NC Agencies)

205.1 Administration by the North Carolina Department of Labor.

205.1.1 Commissioner of Labor. The Commissioner of Labor shall have general supervision over the Elevator and Amusement Device Division and the Boiler Pressure Vessel Division.

[General Statute ~~143-139(e)~~143-139(c) and 143-139(d)]

205.1.2 Elevator and amusement device division. The Elevator and Amusement Device Division shall enforce the provisions of the North Carolina State Building Code that pertain to the operation of:

1. Elevators;
2. Dumbwaiters;
3. Escalators;
4. Moving walks;
5. Personnel hoists;
6. Chair and wheelchair lifts;
7. Manlifts;

8. Special equipment; and
9. Amusement devices.

Exceptions:

1. Devices and equipment located and operated within a single-family residence.
2. Equipment constructed, installed and used exclusively for the movement of materials.
3. Mining equipment covered by either the Federal Mine Safety and Health Act or the Mine Safety and Health Act of North Carolina.
4. Zip lines.

[General Statute 143-139(d)]

205.1.3 Boiler and pressure vessel division. The Boiler and Pressure Vessel Division shall enforce the provisions of Chapter 95 of the General Statutes which pertain to boilers and pressure vessels.

Exception: The Boiler and Pressure Vessel Division shall not regulate hot water supply boilers equipped with ASME Code and National Board certified safety relief valves, which are fired with oil, gas, or electricity or hot water supply tanks heated by any indirect means which do not exceed any of the following limitations:

1. Heat input of 200,000 Btu/hr;
2. Water temperature of 200°F (93°C);
3. Nominal water capacity of 120 gallons (454 L).

[General Statutes 95-69.10(c), 143-139(c)]

CHAPTER 3

REPRINT OF THE NORTH CAROLINA GENERAL STATUTES PERTAINING TO THE ENFORCEMENT ADMINISTRATION OF THE NORTH CAROLINA STATE BUILDING CODES

The North Carolina State Building Codes do not include all additional requirements for buildings and structures that may be imposed by other State agencies, occupational licensing boards and commissions. It shall be the responsibility of a permit holder, design professional, contractor or occupational license holder to determine whether any additional requirements exist.

The current language of the General Statutes may be viewed online at www.ncleg.gov or by clicking on the referenced statute number below.

The following list, while extensive, may not include all applicable North Carolina General Statutes.

Property Owners

1-539.2	Dismantling portion of building
14-68	Failure of owner of property to comply with orders of public authorities
106-581.1	Agriculture Defined
160D-903	Agricultural Uses (qualifications for bona fide farm status)

Misconduct in Public Office *(NCGS Chapter 14, Article 31)*

14-228-232	Misconduct in public office
14-414	Pyrotechnics defined; exceptions
14-228	Buying and selling offices
14-229	Acting as officer before qualifying as such
14-230	Willfully failing to discharge duties
14-231	Failing to make reports and discharge other duties
14-232	Swearing falsely to official reports

Administrative Search and Inspection Warrants

15-27.2	Warrants to conduct inspections authorized by law
58-2-95	Commissioner to supervise local inspectors
58-31-40	Commissioner to inspect state property; plans submitted
58-79-20	Inspection of premises; dangerous material removed

Electrical Materials, Devices, Appliances and Equipment *(NCGS Chapter 66, Article 4)*

66-23-27	Electrical materials, devices, appliances and equipment
66-23	Sale of electrical goods regulated
66-24	Identification marks required
66-25	Acceptable listings as to safety of goods
66-26	Legal responsibility of proper installations unaffected
66-27	Violation made misdemeanor
66-27.01	Enforcement

Safety Features of Hot Water Heaters
(NCGS Chapter 66, Article 4A)

<u>66-27.1</u>	<u>Certain automatic hot water tanks or heaters to have approved relief valves; installation or sale of unapproved relief valves forbidden</u>
<u>66-27.2</u>	<u>Certain hot water supply storage tank or heater baffles, heat traps, etc., to be tested before installation or sale</u>
<u>66-27.3</u>	<u>Violation of Article made misdemeanor</u>
<u>66-27.4</u>	<u>Local regulation of hot water heater safety features</u>

Architects

<u>83A-1-13</u>	<u>Architects</u>
<u>83A-1</u>	<u>Definitions</u>
<u>83A-12</u>	<u>Prohibited practice</u>
<u>83A-13</u>	<u>Exemptions</u>

General Contractors
(NCGS Chapter 87, Article 1)

<u>87-1-15</u>	<u>General contractors</u>
<u>87-1</u>	<u>"General contractor" defined; exceptions</u>
<u>87-1.1</u>	<u>Exception for licenses under Article 2 or 4</u>
<u>87-1.2</u>	<u>Exception for specified Department of Transportation contractors</u>
<u>87-14</u>	<u>Regulations as to issue of building permits</u>
<u>87-15.6</u>	<u>Homeowners Recovery Fund</u>

Plumbing, Heating, and Fire Sprinkler Contractor

<u>87-21</u>	<u>Plumbing, heating and fire sprinkler contractor</u>
<u>87-21</u>	<u>Definitions; contractors licensed by Board; examination; posting license, etc.</u>

Electrical Contractors
(NCGS Chapter 87, Article 4)

<u>87-43</u>	<u>Electrical contractors</u>
<u>87-43</u>	<u>Electrical contracting defined; licenses</u>
<u>87-43.1</u>	<u>Exceptions</u>
<u>87-43.2</u>	<u>Issuance of license</u>
<u>87-43.3</u>	<u>Classification of licenses</u>

Refrigeration Contractors

<u>87-57-58</u>	<u>Refrigeration contractors</u>
<u>87-57</u>	<u>License required of persons, firms or corporations engaged in the refrigeration trade</u>
<u>87-58</u>	<u>Definitions; contractors licensed by Board; examinations</u>

Engineers

<u>89C-3-23</u>	<u>Engineers</u>
<u>89C-3</u>	<u>Definitions</u>
<u>89C-23</u>	<u>Unlawful to practice engineering or land surveying without licensure; unlawful use of title or terms; penalties; Attorney General to be legal adviser</u>

Uniform Boiler and Pressure Vessel Act

(NCGS Chapter 95, Article 7A)

<u>95-69</u>	<u>Uniform boiler and pressure vessel act</u>
<u>95-69.8</u>	<u>Short title</u>
<u>95-69.9</u>	<u>Definitions</u>
<u>95-69.10</u>	<u>Application of Article; exemptions</u>
<u>95-69.11</u>	<u>Powers and duties of commissioner</u>
<u>95-69.16</u>	<u>Inspection certificate required</u>

Public Schools

<u>105-130-151</u>	<u>Accessibility tax credit</u>
<u>115C-525</u>	<u>Public schools</u>
<u>115C-525</u>	<u>Fire prevention</u>

Gasoline and Oil Inspection and Regulation

(NCGS Chapter 119, Article 5)

(Liquefied petroleum gases)

<u>119 Article 5</u>	<u>Liquefied petroleum gases</u>
<u>119-54</u>	<u>Purpose: definitions: scope of Article</u>

Wastewater Systems

(NCGS Chapter 130A, Article 10)

<u>130A-336-339</u>	<u>Wastewater system construction</u>
<u>130A-336</u>	<u>Improvement permit and authorization for wastewater system construction required</u>
<u>130A-337</u>	<u>Inspection; operation permit required</u>
<u>130A-338</u>	<u>Authorization for wastewater system construction required before other permits to be issued</u>
<u>130A-339</u>	<u>Limitation on electrical service</u>

Public Works

(NCGS Chapter 133, Article 1)

<u>133-1-4</u>	<u>Public works</u>
<u>133-1</u>	<u>Employment of architects, etc., on public works when interested in use of materials prohibited</u>
<u>133-1.1</u>	<u>Certain buildings involving public funds to be designed, etc., by architect or engineer</u>
<u>133-2</u>	<u>Drawing of plans by material furnisher prohibited</u>
<u>133-3</u>	<u>Specifications to carry competitive items; substitution of materials</u>
<u>133-4</u>	<u>Violation of Chapter made misdemeanor</u>

Inspection of State-Owned Buildings

<u>143-135.1</u>	<u>Inspection of state-owned buildings</u>
<u>143-135.1</u>	<u>State buildings exempt from county and municipal building requirements; consideration of recommendations by counties and municipalities</u>

Building Code Council and Building Code

(NCGS Chapter 130A, Article 9)

<u>143-136-143</u>	<u>Building Code Council and Building Code</u>
<u>143-136</u>	<u>Building Code Council created; membership</u>

<u>143-137</u>	<u>Organization of Council; rules; meetings; staff; fiscal affairs</u>
<u>143-138</u>	<u>North Carolina State Building Code</u>
<u>143-138.1</u>	<u>Introduction and instruction of the North Carolina Building Code; posting of written commentaries and interpretations on Department of Insurance Web site</u>
<u>143-139</u>	<u>Enforcement of Building Code</u>
<u>143-139.1</u>	<u>Certification of manufactured buildings, structures or components by recognized independent testing laboratory; minimum standards for modular homes</u>
<u>143-139.2</u>	<u>Enforcement of insulation requirements; certificate for occupancy; no electric service without compliance</u>
<u>143-139.3</u>	<u>Inspection of liquified petroleum gas piping systems for residential structures</u>
<u>143-140</u>	<u>Hearings before enforcement agencies as to questions under Building Code</u>
<u>143-141</u>	<u>Appeals to Building Code Council</u>
<u>143-142</u>	<u>Further duties of the Building Code Council</u>
<u>143-143</u>	<u>Effect on certain existing laws</u>
<u>143-143.2</u>	<u>Electric wiring of houses, buildings, and structures</u>
<u>143-143.3</u>	<u>Temporary toilet facilities at construction sites</u>
<u>143-143.4</u>	<u>Door lock exemption for certain businesses</u>
<u>143-143.5</u>	<u>Access to toilets in shopping malls</u>

Code Officials Qualification Board
(NCGS Chapter 130A, Article 9C)

<u>143-151.8-21</u>	<u>Code officials qualification board</u>
<u>143-151.8</u>	<u>Definitions</u>
<u>143-151.9</u>	<u>North Carolina Code Officials Qualification Board established; members; terms; vacancies</u>
<u>143-151.10</u>	<u>Compensation</u>
<u>143-151.11</u>	<u>Chairman; vice-chairman; other officers; meetings; reports</u>
<u>143-151.12</u>	<u>Powers</u>
<u>143-151.13</u>	<u>Required standards and certificates for Code-enforcement officials</u>
<u>143-151.13A</u>	<u>Professional development program for officials</u>
<u>143-151.14</u>	<u>Comity</u>
<u>143-151.15</u>	<u>Return of certificate to Board; reissuance by Board</u>
<u>143-151.16</u>	<u>Certification fees; renewal of certificates; examination fees</u>
<u>143-151.17</u>	<u>Grounds for disciplinary actions; investigation; administrative procedures</u>
<u>143-151.18</u>	<u>Violations; penalty; injunction</u>
<u>143-151.19</u>	<u>Administration</u>
<u>143-151.20</u>	<u>Donations and appropriations</u>
<u>143-151.21</u>	<u>Disposition of fees</u>

Master Electrical and Natural Gas Meters Prohibited
(NCGS Chapter 143, Article 9E)

<u>143-151.42</u>	<u>Prohibition of master meters for electric and natural gas service</u>
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North Carolina Home Inspector Licensure Board
(NCGS Chapter 143, Article 9F)

<u>143-151.43-64</u>	<u>North Carolina home inspector board</u>
<u>143-151.43</u>	<u>Short title</u>

<u>143-151.44</u>	<u>Purpose</u>
<u>143-151.45</u>	<u>Definitions</u>
<u>143-151.46</u>	<u>North Carolina Home Inspector Licensure Board established; members; terms; vacancies</u>
<u>143-151.47</u>	<u>Compensation of Board members</u>
<u>143-151.48</u>	<u>Election of officers; meetings of Board</u>
<u>143-151.49</u>	<u>Powers and responsibilities of Board</u>
<u>143-151.50</u>	<u>License required to perform home inspections for compensation or to claim to be a "licensed home inspector"</u>
<u>143-151.51</u>	<u>Requirements to be licensed as a home inspector</u>
<u>143-151.53</u>	<u>Notification to applicant following evaluation of application</u>
<u>143-151.54</u>	<u>Miscellaneous license provisions</u>
<u>143-151.55</u>	<u>Renewal of license; inactive licenses; lapsed licenses</u>
<u>143-151.56</u>	<u>Suspension, revocation, and refusal to renew license</u>
<u>143-151.57</u>	<u>Fees</u>
<u>143-151.58</u>	<u>Duties of licensed home inspector</u>
<u>143-151.59</u>	<u>Violation is a misdemeanor</u>
<u>143-151.60</u>	<u>Injunctions</u>
<u>143-151.62</u>	<u>Persons and practices not affected</u>
<u>143-151.63</u>	<u>Administration</u>
<u>143-151.64</u>	<u>Continuing education requirements</u>

Administrative Procedures Act
(NCGS Chapter 150B, Article 2A)

<u>150B-18-21</u>	<u>Administrative Procedures Act</u>
<u>150B-18</u>	<u>Scope and effect</u>
<u>150B-19</u>	<u>Restrictions on what can be adopted as a rule</u>
<u>150B-19.1</u>	<u>Requirements of agencies in the rule-making process</u>
<u>150B-19.3</u>	<u>Limitations on certain environmental rules</u>
<u>150B-20</u>	<u>Petitioning an agency to adopt a rule</u>
<u>150B-21</u>	<u>Agency must designate rule-making coordinator; duties of coordinator</u>
<u>150B-21.1</u>	<u>Procedure for adopting a temporary rule</u>
<u>150B-21.1A</u>	<u>Adopting an emergency rule</u>
<u>150B-21.2</u>	<u>Procedure for adopting a permanent rule</u>
<u>150B-21.3</u>	<u>Effective date of rules</u>
<u>150B-21.3A</u>	<u>Periodic review and expiration of existing rules</u>
<u>150B-21.4</u>	<u>Fiscal and regulatory impact analysis on rules</u>
<u>150B-21.5</u>	<u>Circumstances when notice and rule-making hearing not required; circumstances when submission to the Commission not required</u>
<u>150B-21.6</u>	<u>Incorporating material in a rule by reference</u>
<u>150B-21.7</u>	<u>Effect of transfer of duties or termination of agency on rules</u>
<u>150B-21.8</u>	<u>Review of rule by Commission</u>
<u>150B-21.9</u>	<u>Standards and timetable for review by Commission</u>
<u>150B-21.10</u>	<u>Commission action on permanent rule</u>
<u>150B-21.11</u>	<u>Procedure when Commission approves permanent rule</u>
<u>150B-21.12</u>	<u>Procedure when Commission objects to a permanent rule</u>

Cities and Counties
(NCGS Chapter 160D, Article 4)

<u>160D Article 11</u>	<u>Building Code Enforcement</u>
<u>160D-401</u>	<u>Application</u>
<u>160D-402</u>	<u>Administrative staff</u>
<u>160D-404</u>	<u>Enforcement</u>
<u>160D-405</u>	<u>Appeals of administrative decisions</u>
<u>160D-406</u>	<u>Quasi-judicial procedure</u>
<u>160D-1101</u>	<u>Definitions</u>
<u>160D-1102</u>	<u>Building code administration</u>
<u>160D-1103</u>	<u>Qualification of inspectors</u>
<u>160D-1104</u>	<u>Duties and responsibilities</u>
<u>160D-1104.1</u>	<u>Remote inspection alternative</u>
<u>160D-1105</u>	<u>Other arrangements for inspection</u>
<u>160D-1106</u>	<u>Alternative inspection method for components or element</u>
<u>160D-1107</u>	<u>Mutual aid contracts</u>
<u>160D-1108</u>	<u>Conflicts of interest</u>
<u>160D-1109</u>	<u>Failure to perform duties</u>
<u>160D-1110</u>	<u>Building permits</u>
<u>160D-1111</u>	<u>Expiration of building permits</u>
<u>160D-1112</u>	<u>Changes in work</u>
<u>160D-1113</u>	<u>Inspections of work in progress</u>
<u>160D-1114</u>	<u>Appeals of stop orders</u>
<u>160D-1115</u>	<u>Revocation of building permits</u>
<u>160D-1116</u>	<u>Certificates of compliance; temporary certificates of occupancy</u>
<u>160D-1117</u>	<u>Periodic inspections</u>
<u>160D-1118</u>	<u>Defects in buildings to be corrected</u>
<u>160D-1119</u>	<u>Unsafe buildings condemned</u>
<u>160D-1120</u>	<u>Removing notice from condemned building</u>
<u>160D-1121</u>	<u>Action in event of failure to take corrective action</u>
<u>160D-1122</u>	<u>Orders to take corrective action</u>
<u>160D-1123</u>	<u>Appeal; finality of order if not appealed</u>
<u>160D-1124</u>	<u>Failure to comply with order</u>
<u>160D-1125</u>	<u>Enforcement</u>
<u>160D-1126</u>	<u>Records and reports</u>
<u>160D-1127</u>	<u>Appeals</u>
<u>160D-1128</u>	<u>Fire limits</u>
<u>160D-1129</u>	<u>Regulation authorized as to repair, closing, and demolition of nonresidential buildings or structures; order of public officer</u>
<u>160D-1130</u>	<u>Vacant building receivership*</u>

APPENDIX A

PERMIT APPLICATION INFORMATION SHEET

The following information is required on all permit applications. Additional information may be included to ensure that all state and local laws are complied with. This information may be arranged in any order and the following outline is only the minimum information required.

City/County Name _____

Inspection Department _____

Permit Application _____

Applicant Name _____ Date ____/____/____

Project Address _____

Total Project Cost _____ Electrical Cost _____

Subdivision _____ Block # _____ Lot # _____

Developer _____ Phone # (____) _____ - _____ E-Mail _____

Property Owner _____ Phone # (____) _____ - _____ E-Mail _____

Address _____ City _____ State _____ ZIP _____

Project Contact _____ Phone # (____) _____ - _____ E-Mail _____

Address _____ City _____ State _____ ZIP _____

Description of Proposed Work _____

Type of Building: New Existing Addition N/A

Type of Construction: IA IB IIA IIB IIIA IIIB
 ~~IV-A~~ IV-B IV-C IV-HT VA VB

Occupancy: A-1 A-2 A-3 A-4 A-5 B E F-1 F-2
 H-1 H-2 H-3 H-4 H-5 I-1 I-2 I-3 I-4
 M R-1 R-2 R-3 R-4 S-1 S-2 U

Equipment: New Existing Addition N/A

Property Use: Detached Single Family Detached Two Family Townhouse
 Apartment Condominium
 Other (Library, Office, Etc.)

Building Area: Total Area (sf) _____ Area per floor (sf) _____

Building Height: Feet _____ # of Stories _____

State Agency Approvals:

NC Department of Insurance Yes No N/A

Plan Approval Yes No N/A # of Sheets _____ Date ____/____/____

Specifications Yes No N/A # of Sheets _____ Date ___/___/___

NC Department of Labor Yes No N/A

Elevators _____ Date ___/___/___ Boilers _____ Date ___/___/___

Plan Approval Yes No N/A # of Sheets _____ Date ___/___/___

Specifications Yes No N/A # of Sheets _____ Date ___/___/___

Utilities Approvals:

Water: Public Private Private Health Dept. Permit # _____

Sewer: Public Private Private Health Dept. Permit # _____

~~Place X~~ Check each applicable box and complete additional information for each permit type needed.

General Construction Permit

Contractor Name _____ Phone # (____) _____ - _____ E-Mail _____

Address _____ City _____ State _____ ZIP/Zip _____

License # _____ Classification _____

Design Professional _____ Phone # (____) _____ - _____ E-Mail _____

Architect Engineer NC Reg. # _____

Owner Other

Address _____ City _____ State _____ ZIP/Zip _____

Electrical Permit

Contractor Name _____ Phone # (____) _____ - _____ E-Mail _____

Address _____ City _____ State _____ ZIP/Zip _____

License # _____ Classification _____

Design Professional _____ Phone # (____) _____ - _____ E-Mail _____

Architect Engineer NC Reg. # _____

Owner Other

Address _____ City _____ State _____ ZIP/Zip _____

Mechanical Permit

Contractor Name _____ Phone # (____) _____ - _____ E-Mail _____

Address _____ City _____ State _____ ZIP/Zip _____

License # _____ Classification _____

Design Professional _____ Phone # (____) _____ - _____ E-Mail _____

Architect Engineer NC Reg. # _____

Owner Other

Address _____ City _____ State _____ ZIP/Zip _____

Plumbing Permit

Contractor Name _____ Phone # (____)____ - _____ E-Mail _____
 Address _____ City _____ State _____ ZIP/Zip _____
 License # _____ Classification _____
 Design Professional _____ Phone # (____)____ - _____ E-Mail _____
 Architect Engineer NC Reg. # _____
 Owner Other
 Address _____ City _____ State _____ ZIP/Zip _____

Place ~~X~~ Check each applicable box and complete additional information for each permit type needed.

Sprinkler Protection Permit

Contractor Name _____ Phone # (____)____ - _____ E-Mail _____
 Address _____ City _____ State _____ ZIP/Zip _____
 License # _____ Classification _____
 Design Professional _____ Phone # (____)____ - _____ E-Mail _____
 Architect Engineer NC Reg. # _____
 Owner Other NICET Level _____
 Address _____ City _____ State _____ ZIP/Zip _____

Fire Alarm System Permit

Contractor Name _____ Phone # (____)____ - _____ E-Mail _____
 Address _____ City _____ State _____ ZIP/Zip _____
 License # _____ Classification _____
 Design Professional _____ Phone # (____)____ - _____ E-Mail _____
 Architect Engineer NC Reg. # _____
 Owner Other
 Address _____ City _____ State _____ ZIP/Zip _____

Sign Permit

Location of Sign _____ Address _____
 Off Premises Sign Wall Sign Ground Sign Awning Sign
 Projection Sign Special Event Sign Other
 Sign/Business Owner _____ Phone # (____)____ - _____ E-Mail _____
 Address _____ City _____ State _____ ZIP/Zip _____
 Contractor Name _____ Phone # (____)____ - _____ E-Mail _____
 Address _____ City _____ State _____ ZIP/Zip _____

Accessory Structures Permit

Accessory Building _____ Size _____ Sq.Ft.

Solid Fence Dish Antenna Swimming Pool Other (Describe) _____

I hereby certify that all information in this application is correct and all work will comply with the State Building Code and all other applicable State and local laws and ordinances and regulations. The Inspection Department will be notified of any changes in the approved plans and specifications for the project permitted herein.

Owner/Agent Signature _____

DRAFT

APPENDIX B

**20182024 BUILDING CODE SUMMARY
FOR ALL COMMERCIAL PROJECTS**

(EXCEPT ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES)

(Reproduce the following data on the building plans sheet 1 or 2)

Name of Project: _____

Address: _____ Zip Code _____

Owner/Authorized Agent _____ Phone # (____)____ - _____ E-Mail _____

Owned By: City/County Private State

Code Enforcement Jurisdiction: City County State

CONTACT: _____

DESIGNER	FIRM	NAME	LICENSE #	TELEPHONE #	E-MAIL
Architectural	_____	_____	_____	(____) _____	_____
Civil	_____	_____	_____	(____) _____	_____
Electrical	_____	_____	_____	(____) _____	_____
Fire Alarm	_____	_____	_____	(____) _____	_____
Plumbing	_____	_____	_____	(____) _____	_____
Mechanical	_____	_____	_____	(____) _____	_____
Sprinkler- Standpipe	_____	_____	_____	(____) _____	_____
Structural	_____	_____	_____	(____) _____	_____
Retaining Walls > 5 feet High	_____	_____	_____	(____) _____	_____
Other	_____	_____	_____	(____) _____	_____

("Other" should include firms and individuals such as truss, precast, pre-engineered, interior designers, etc.)

20182024 NC BUILDING CODE: New Building Shell/Core 1st Time
Interior Completions

Addition Phased Construction—Shell Core

20182024 NC EXISTING BUILDING CODE: (check all that apply)

Prescriptive Alteration Level I Alteration Level II Alteration Level III
 Change of Use Historic Property Repair Chapter 14

CONSTRUCTED: (date) _____ **CURRENT USE(S)** (Ch. 3): _____

RENOVATED: (date) _____ **PROPOSED USE(S)** (Ch. 3): _____

OCCUPANCY CATEGORY (Table 1604.5): Current: _____ Proposed: _____

BASIC BUILDING DATA

Construction Type: I-A II-A III-A V-A
 (check all that apply) ~~IV~~IV-A ~~I~~BIV-B ~~H~~BIV-C ~~III~~BIV-HT
 ~~V~~B
Sprinklers: No Partial NFPA 13 NFPA13R NFPA13D
Standpipes: No Class: I II III Wet Dry
Primary Fire District: No Yes
Flood Hazard Area: No Yes
Special Inspections Required: No Yes

GROSS BUILDING AREA TABLE

(add or delete lines as necessary)

Floor	Existing (sq ft)	New (sq ft)	Subtotal
3rd Floor	0	0	0
2nd Floor	0	0	0
Mezzanine	0	0	0
1st Floor	0	0	0
Basement	0	0	0
TOTAL			0

Note to RRC: Page break

ALLOWABLE AREA

Primary Occupancy Classification(s):

- Assembly A-1 A-2 A-3 A-4 A-5
- Business
- Educational
- Factory F-1 (Moderate) F-2 (Low)
- Hazardous H-1 (Detonate) H-2 (Deflagrate)
- H-3 (Combust) H-4 (Health) H-5 (HPM)
- Institutional I-1 I-2 I-3 I-4
- ~~I-1 Condition 1 2~~
- ~~I-2 Condition 1 2~~
- ~~I-3 Condition 1 2 3 4 5~~
- ~~Condition 1 2 3 4~~
- Mercantile
- Residential R-1 R-2 R-3 R-4
- Storage S-1 Moderate S-2 Low High-piled
- Parking Garage Open Enclosed Repair Garage
- Utility and Miscellaneous

Accessory Occupancy Classification(s): _____

Incidental Uses (Table 509.1): _____

This separation is not exempt as a Nonseparated Use (see exceptions).

Special Uses (Chapter 4 – List Code Sections): _____

Special Provisions: (Chapter 5 – List Code Sections): _____

Mixed Occupancy: No Yes Separation: ____ Hr. Exception: _____

(Select one of the following)

Non-separated Use (508.3)

Separated Use (508.4)—See below for area calculations for each story, the area of the occupancy shall be such that the sum of the ratios of the actual floor area of each use divided by the allowable floor area for each use shall not exceed 1.

Select one

$$\frac{\text{Actual Area of Occupancy A}}{\text{Allowable Area of Occupancy A}} + \frac{\text{Actual Area of Occupancy B}}{\text{Allowable Area of Occupancy B}} \leq 1$$

$$\text{_____} + \text{_____} + \dots = \text{_____} \leq 1.00$$

(add to or delete rows from the following table as necessary to capture all relevant information)

STORY NO.	DESCRIPTION AND USE	(A) BLDG AREA PER STORY (ACTUAL)	(B) TABLE 506.2 ⁴ AREA	(C) AREA FOR FRONTAGE INCREASE ^{1, 5}	(D) ALLOWABLE AREA PER STORY OR UNLIMITED ^{2, 3}

1. Frontage area increases from Section 506.2506.3 are computed thus:

- a. Perimeter which fronts a public way or open space having 20 feet minimum width = _____ (F)
- b. Total Building Perimeter = _____ (P)
- c. Ratio (F/P) = _____ (F/P)
- d. W = Minimum width of public way = _____ (W)

2. Unlimited area applicable under conditions of Section 507.
 3. Maximum Building Area = total number of stories in the building $\times D$ (maximum 3 stories) (506.2).
 4. The maximum area of open parking garages shall comply with Table 406.5.4. ~~The maximum area of traffic control towers must comply with Table 412.3.1.~~
 5. Frontage increase is based on the unsprinklered area value in Table 506.2.
-

Note to RRC: Page break

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ALLOWABLE HEIGHT

	ALLOWABLE	SHOWN ON PLANS	CODE REFERENCE
Building Height in Feet (Table 504.3)			
Building Height in Stories (Table 504.4)			

1. Provide code reference if the “Shown on Plans” quantity is not based on Table 504.3 or 504.4.

FIRE PROTECTION REQUIREMENTS

BUILDING ELEMENT	FIRE SEPARATION DISTANCE (feet)	RATING		DETAIL # AND SHEET #	DESIGN # FOR RATED ASSEMBLY	SHEET # FOR RATED PENETRATION	SHEET # FOR RATED JOINTS
		REQ'D	PROVIDED (W/ REDUCTION) *				
Structural Frame Including columns, girders, and trusses							
Bearing Walls							
Exterior							
North							
East							
West							
South							
Interior							
Nonbearing walls and partitions							
Exterior walls							
North							
East							
West							
South							
Interior walls and partitions							
Floor Construction Including supporting beams and joists							
Floor Ceiling Assembly							
Columns Supporting Floors							
Roof Construction, including supporting beams and joists							
Roof Ceiling Assembly							
Columns Supporting Roof							
Shaft Enclosures—Exit							
Shaft Enclosures—Other							
Corridor Separation							
Occupancy/Fire Barrier Separation							
Party/Fire Wall Separation							
Smoke Barrier Separation							
Smoke Partition							
Tenant/Dwelling Unit/ Sleeping Unit Separation							
Incidental Use Separation							

* Indicate section number permitting reduction

PERCENTAGE OF WALL OPENING CALCULATIONS

FIRE SEPARATION DISTANCE (feet) FROM PROPERTY LINES	DEGREE OF OPENINGS PROTECTION (TABLE 705.8)	ALLOWABLE AREA (%)	ACTUAL SHOWN ON PLANS (%)

LIFE SAFETY SYSTEM REQUIREMENTS

- Emergency Lighting: Yes No
- Exit Signs: Yes No
- Fire Alarm: Yes No
- Smoke Detection Systems: Yes No
- Carbon Monoxide Detection: Yes No

LIFE SAFETY PLAN REQUIREMENTS

Life Safety Plan Sheet #: _____

- Fire and/or smoke rated wall locations (Chapter 7)
- Assumed and real property line locations (if not on the site plan)
- Exterior wall opening area with respect to distance to assumed property lines (705.8)
- Occupancy Use for each area as it relates to occupant load calculation (~~Table 1004.1.2~~)(Table 1004.5)
- Occupant loads for each area
- Exit access travel distances (1017)
- Common path of travel distances [~~Tables 1006.2.1 & 1006.3.2(1)~~](Tables 1006.3.4(1) & 1006.3.4(2))
- Dead end lengths (~~1020.4~~)(1020.5)
- Clear exit widths for each exit door
- Maximum calculated occupant load capacity each exit door can accommodate based on egress width (~~1005.3~~)(1005.3.2)
- Actual occupant load for each exit door
- A separate schematic plan indicating where fire rated floor/ceiling and/or roof structure is provided for purposes of occupancy separation
- Location of doors with panic hardware (~~1010.1.10~~)(1010.2.9)
- Location of doors with delayed egress locks and the amount of delay (~~1010.1.9.7~~)(1010.2.13)
- Location of doors with electromagnetic egress locks (~~1010.1.9.9~~)(1010.2.11)
- Location of doors equipped with hold-open devices (716.2.6.1)
- Location of emergency escape windows (~~1030~~)(1031)
- The square footage of each fire area (202)
- The square footage of each smoke compartment for Occupancy Classification I-2 (407.5)
- Note any code exceptions or table notes that may have been utilized regarding the items above

ACCESSIBLE DWELLING UNITS
(SECTION 1107)

TOTAL UNITS	ACCESSIBLE UNITS REQUIRED	ACCESSIBLE UNITS PROVIDED	TYPE A UNITS REQUIRED	TYPE A UNITS PROVIDED	TYPE B UNITS REQUIRED	TYPE B UNITS PROVIDED	TOTAL ACCESSIBLE UNITS PROVIDED

ACCESSIBLE PARKING
(SECTION 1106)

LOT OR PARKING AREA	TOTAL # OF PARKING SPACES		# OF ACCESSIBLE SPACES PROVIDED			TOTAL # ACCESSIBLE PROVIDED
	REQUIRED	PROVIDED	REGULAR WITH 5' ACCESS AISLE	VAN SPACES WITH		
				132" ACCESS AISLE	8' ACCESS AISLE	
TOTAL						

PLUMBING FIXTURE REQUIREMENTS
(TABLE 2902.1)

USE	WATERCLOSETS			URINALS	LAVATORIES			SHOWERS/TUBS	DRINKING FOUNTAINS	
	Male	Female	Unisex		Male	Female	Unisex		Regular	Accessible
SPACE										
EXIST'G										
NEW										
REQ'D										

SPECIAL APPROVALS

Special approval: (Local Jurisdiction, Department of Insurance, OSC, DPI, DHHS, ICC, etc., describe below)

ENERGY SUMMARY

ENERGY REQUIREMENTS:

The following data shall be considered minimum and any special attribute required to meet the energy code shall also be provided. Each Designer shall furnish the required portions of the project information for the plan data sheet. If performance method, state the annual energy cost for the standard reference design versus the annual energy cost for the proposed design.

Existing building envelope complies with code: (If checked, the remainder of this section is not applicable.)

Exempt Building: (Provide code and applicable code section or statutory reference)

Climate Zone: 3A 4A 5A

Method of Compliance:

Energy Code: Performance Prescriptive

ASHSAE 90.1: Performance Prescriptive

Other: Performance (specify source) _____

THERMAL ENVELOPE: (Prescriptive method only)

Roof/ceiling Assembly (each assembly)

Description of assembly: _____

U-Value of total assembly: _____

R-Value of insulation: _____

Skylights in each assembly: _____

U-Value of skylight: _____

total square footage of skylights in each assembly: _____

Exterior Walls (each assembly)

Description of assembly _____

U-Value of total assembly: _____

R-Value of insulation: _____

Openings (windows or doors with glazing)

U-Value of assembly: _____

Solar heat gain coefficient: _____

projection factor: _____

Door *R*-Values: _____

Walls below grade (each assembly)

Description of assembly: _____

U-Value of total assembly: _____

R-Value of insulation: _____

Floors over unconditioned space (each assembly)

Description of assembly: _____

U-Value of total assembly: _____

R-Value of insulation: _____

Floors slab on grade

Description of assembly: _____

U-Value of total assembly: _____

R-Value of insulation: _____

Horizontal/vertical requirement: _____

slab heated: _____

APPENDIX B
20182024 BUILDING CODE SUMMARY
FOR ALL COMMERCIAL PROJECTS

STRUCTURAL DESIGN
(PROVIDE ON SHEET 1 OR 2 OF THE STRUCUTRAL SHEETS)

DESIGN LOAD:

Importance Factors: Wind (I_w) _____
 Snow (I_s) _____
 Seismic (I_E) _____

Live Loads: Roof _____ psf
 Mezzanine _____ psf
 Floor _____ psf

Ground Snow Load: _____ psf

Wind Load: Basic Wind Speed _____ mph (ASCE-7)
 Exposure Category _____

SEISMIC DESIGN CATEGORY: A B C D

Provide the following Seismic Design Parameters:

Occupancy Category: (Table 1604.5) I II III IV

Spectral Response Acceleration: S_s _____ %g S_1 _____ %g

Site Classification: (ASCE 7) A B C D E F

Data Source: Field Test Presumptive Historical Data

Basic structural system (check one)

- Bearing Wall Dual w/Special Moment Frame
- Building Frame Dual w/Intermediate R/C or Special Steel
- Moment Frame Inverted Pendulum

Analysis Procedure: Simplified Equivalent Lateral Force Dynamic

Architectural, Mechanical, Components anchored? Yes No

LATERAL DESIGN CONTROL: Earthquake Wind

SOIL BEARING CAPACITIES:

Field Test (provide copy of test report) _____ psf
 Presumptive Bearing capacity _____ psf
 Pile size, type, and capacity _____

APPENDIX B

**20182024 BUILDING CODE SUMMARY
FOR ALL COMMERCIAL PROJECTS**

MECHANICAL DESIGN
(PROVIDE ON THE MECHANICAL SHEETS IF APPLICABLE)
MECHANICAL SUMMARY

MECHANICAL SYSTEMS, SERVICE SYSTEMS AND EQUIPMENT

Thermal Zone

winter dry bulb: _____
summer dry bulb: _____

Interior design conditions

winter dry bulb: _____
summer dry bulb: _____
relative humidity: _____

Building heating load: _____

Building cooling load: _____

Mechanical Spacing Conditioning System

Unitary
description of unit: _____
heating efficiency: _____
cooling efficiency: _____
size category of unit: _____

Boiler
Size category. If oversized, state reason.: _____

Chiller
Size category. If oversized, state reason.: _____

List equipment efficiencies: _____

APPENDIX B

~~2018~~**2024 BUILDING CODE SUMMARY
FOR ALL COMMERCIAL PROJECTS**

ELECTRICAL DESIGN
(PROVIDE ON THE ELECTRICAL SHEETS IF APPLICABLE)
ELECTRICAL SUMMARY

ELECTRICAL SYSTEM AND EQUIPMENT

Method of Compliance:

- Energy Code: Prescriptive Performance
ASHRAE 90.1: Prescriptive Performance

Lighting schedule (each fixture type) lamp type required in fixture number of lamps in fixture ballast type used in the fixture number of ballasts in fixture total wattage per fixture total interior wattage specified versus allowed (whole building or space by space) total exterior wattage specified versus allowed

Additional Prescriptive Compliance

- 506.2.1 More Efficient Mechanical Equipment
 - 506.2.2 Reduced Lighting Power Density
 - 506.2.3 Energy Recovery Ventilation Systems
 - 506.2.4 Higher Efficiency Service Water Heating
 - 506.2.5 On-Site Supply of Renewable Energy
 - 506.2.6 Automatic Daylighting Control Systems
-



APPENDIX C CODE CHANGE PROPOSAL NORTH CAROLINA BUILDING CODE COUNCIL

325 North Salisbury Street, Room 5-44
Raleigh, North Carolina 27603
(919) 647-0019 (919) 647-0008

barry.gupton@ncdoi.gov david.rittlinger@ncdoi.gov
Petition for Rule Making

Item Number _____

Granted by BCC _____ Adopted by BCC _____ Approved by RRC _____
Denied by BCC _____ Disapproved by BCC _____ Objection by RRC _____

PROPONENT _____ PHONE (____) _____ - _____
REPRESENTING _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
E-MAIL _____ FAX (____) _____ - _____

North Carolina State Building Code, Volume _____ Section _____ (select as many codes as apply):

Administrative Building Fire Residential
 Mechanical Plumbing Fuel Gas Energy

Section(s) _____

CHECK ONE: Revise section to read as follows: Delete section and substitute the following:
 Add new section to read as follows: Delete section without substitution:

~~LINE THROUGH LANGUAGE TO BE DELETED~~ UNDERLINE LANGUAGE TO BE ADDED

Type or print. Continue proposal or reason on plain paper attached to this form. See reverse side for instructions.

Will this proposal change the cost of construction? Decrease Increase No
Will this proposal increase the cost of a dwelling by \$80 or more? Yes No
Will this proposal affect Local or State funds? Local State No
Will this proposal cause a substantial economic impact (≥ \$1,000,000)? Yes No

- Non-Substantial – Provide an economic analysis including benefit/cost estimates.
- Substantial – The economic analysis must also include two alternatives, time value of money and risk analysis.
- Pursuant to §143-138(a1)(2) a cost-benefit analysis is required for all proposed amendments to the NC Energy Conservation Code and the NC Residential Code, Chapter 11.

REASON:

Signature _____

BCC CODE CHANGES

DATE: _____ FORM

3/14/17 12/13/22

INSTRUCTIONS

(This page is not required to be submitted with the proposed code amendment.)

Each proposed code change request shall comply with the following rules:

Rule 1: The Original, ~~and twenty two (22) copies~~ twenty-one (21) hardcopies, one (1) pdf and one (1) editable softcopy of the proposed Petition for Rule-Making ~~along with~~ including supporting documentation shall be filed with the Building Code Council Secretary. ~~Submit one (1) electronic copy via email.~~ The softcopies can be submitted via email to the Building Code Council Secretary.

Rule 2: The filing shall be received by the first day of the month prior to the quarterly scheduled meeting date.

Rule 3: Each request shall be typewritten on this form and shall contain the following:

- (1) The proposed rule change must be set forth in full and contain explicit reference to the affected section or sections of the code.
- (2) The request shall state the reasons for the proposed rule change with supporting documentation.
- (3) The proposed rule change shall comply with the standards set forth in GS 143-138(c) and reference to the particular standards shall be set forth in the request for the amendment.
- (4) The proposed rule change shall contain an economic impact analysis as required by GS 143-138(a).

Rule 4: When a request is improperly filed or not in accordance with all the rules listed above, the Council Secretary shall reject the submittal and notify the applicant of the proper procedure to follow.

Rule 5: Upon the proper filing of a request, the Council Secretary shall forward one copy of said request to each ~~council~~ Council member prior to the scheduled meeting date. Persons filing proposed petitions are hereby notified of the place and time of the scheduled hearings. The Council Secretary shall cause to be published the notice of public hearing as specified in GS 143-138(a).

Rule 6: The Council shall either grant or deny the proposed Petition for Rule-making at the meeting following receipt of the proposed rule change. The Council will take no further action on items that are Denied. Granted items may be referred to Committee for review.

Rule 7: The Council will hold a public hearing on granted items at the next quarterly scheduled meeting. The Council will take final action on granted items at the next quarterly scheduled meeting after the public hearing.

Timeline Example	
Petition Received:	February 1
Petition Granted:	March BCC meeting
Notice of Hearing Published:	April NC Register
Committee Review:	May - June
Hearing Held:	June BCC meeting
Final Adoption:	September BCC meeting
Rules Review Hearing:	November RRC meeting
Approved:	December 1

APPENDIX D

AFFIDAVIT OF WORKERS' COMPENSATION COVERAGE N.C.G.S. §87-14

The undersigned applicant for Building Permit # _____ being the

_____ Contractor

_____ Owner

_____ Officer/Agent of the Contractor or Owner

Do hereby aver under penalties of perjury that the person(s), firm(s) or corporation(s) performing the work set forth in the permit:

_____ has/have three (3) or more employees and have obtained workers' compensation insurance to cover them,

_____ has/have one or more subcontractor(s) and have obtained workers' compensation insurance to cover them,

_____ has/have one or more subcontractor(s) who has/have their own policy of workers' compensation covering themselves,

_____ has/have not more than two (2) employees and no subcontractors,

while working on the project for which this permit is sought. It is understood that the Inspection Department issuing the permit may require certificates of coverage of workers, compensation insurance prior to issuance of the permit and at any time during the permitted work from any person, firm or corporation carrying out the work.

Firm name: _____

By: _____

Title: _____

Date: _____



APPENDIX E APPEALS NORTH CAROLINA BUILDING CODE COUNCIL

325 North Salisbury Street, Room
5_44 Raleigh, North Carolina 27603
(919) 647-0049 (919) 647-0009

APPEAL TO NCDOI/NCBCC

Hearing Date _____ / _____ / _____

GS 160D-1127

Formal Interpretation by NCDOI _____

Appeal of Local Decision to NCDOI _____

GS 143-140, GS 143-141

Appeal of Local Decision to NCBCC _____

Appeal of NCDOI Decision to NCBCC _____

APPELLANT _____ PHONE (____) _____ - _____ X _____.

REPRESENTING _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

E-MAIL _____ FAX (____) _____ - _____

North Carolina State Building Code, Volume _____ Section _____ (select as many codes as apply):

- Administrative Building Fire Residential
- Mechanical Plumbing Fuel Gas Energy

Section(s) _____

- REQUEST ONE: Formal Interpretation by NCDOI Appeal of Local Decision to NCBCC
- Appeal of Local Decision to NCDOI Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

REASON:

Signature _____ DATE: _____ APPEAL TO NCDOI/NCBCC NCDOI/NCBCC FORM 3/14/1712/13/22

202.9 Appeals.

202.9.1 Engineering Division. A written technical interpretation shall be provided as specified in Section 203.2.1.2. Any person may appeal in writing an order, decision, or determination pertaining to the code or any state building law by filing written notice with the Commissioner of Insurance or his designee within 10 days after the order, decision or determination. A copy of the appeal shall be furnished to each party.

(General Statutes 143-140, 153A-374 and 160A-434)

203.2.1 Interpretations.

203.2.1.1 Informal interpretations. The Engineering Division shall provide informal interpretations on code related matters either by e-mail, letter or telephone. These informal interpretations may be accepted by the local code enforcement official or party requesting the interpretation. Either party may request a formal interpretation of the code.

203.2.1.2 Formal interpretations. Any person may request in writing a formal interpretation of the code. The request shall be addressed to the Chief Code Consultant for the Department of Insurance. The request shall be specific and shall reference the code sections in question. All formal interpretations shall be in writing. A formal interpretation shall be binding on all parties unless appealed to the Building Code Council as specified in Section 201.9.2. Formal interpretations determined to be of a general nature may be posted on the department web site. (General Statute 143-140)

203.2.2 Appeals. Any person may appeal in writing an order, decision or determination of a code enforcement official pertaining to the code or any state building law. The appeal shall be addressed to the Chief Engineer for the Department of Insurance by filing written notice within 10 days after the order, decision or determination. The appeal shall contain the type and size of the building in question, the location of the building, and shall reference the code sections in question. The decision shall be in writing and shall set forth the facts found. The decision rendered shall be based on the technical provisions of the code, public health and safety and shall be construed liberally to those ends. A decision shall be binding on all parties unless an appeal is submitted to the Building Code Council as specified in Section 201.9.2. A copy of the appeal and written decision shall be furnished to each party.

(General Statutes 153A-374 and 160A-434)

202.9.2 Building Code Council. The Building Code Council shall hear appeals from the decisions of a state enforcement agencies relating to any matter related to the code. Any person wishing to appeal a decision of a state enforcement agency to the Building Code Council shall give written notice of appeal as follows:

202.9.2.1 Twenty one copies including an original of the Notice of Appeal shall be filed with the Building Code Council c/o NC Department of Insurance, Engineering Division, 325 North Salisbury Street, Room 5-44, Raleigh, NC 27603 and one copy shall be filed with the State enforcement agency from which the appeal is taken.

202.9.2.2 The Notice of Appeal shall be received no later than 30 days from the date of the decision of the State enforcement agency.

202.9.2.3 The Notice of Appeal shall be legibly printed, typewritten or copied and shall contain the following:

- (1) Name, address of the party or parties requesting the appeal.
- (2) The name of the State enforcement agency, the date of the decision from which the appeal is taken, and a copy of the written decision received from the enforcement agency.
- (3) The decision from which the appeal is taken shall be set forth in full in the Notice of Appeal or a copy of the decision shall be attached to all copies of the Notice of Appeal.
- (4) The contentions and allegations of fact must be set forth in full in a clear and concise manner with reference to the sections of the code in controversy.
- (5) The original Notice of Appeal shall be signed by the party or parties filing appeal.
- (6) The Notice of Appeal shall be received by the first day of the month prior to the Building Code Council's quarterly scheduled meeting in order to be placed on the agenda for that meeting. The Chairman may schedule a special meeting to hear an appeal.

202.9.2.4 Upon the proper filing of the Notice of Appeal, the Building Code Council Secretary shall forward one copy of the Notice of Appeal to each member of the Building Code Council. The Chairman may appoint a Hearing Committee to hear appeals. The Secretary shall send notice in writing to the party or parties requesting an appeal and to the Building Code Council Hearing Committee members at least 15 days prior to the Hearing Committee meeting. A written decision of the Hearing Committee meeting shall be provided to all Building Code Council Members. The actions of the Hearing Committee shall be final, unless appealed to the full Building Code Council in writing within 30 days of the Hearing Committee's action. If a Hearing Committee consists of at least seven council members, it will constitute a quorum of the full council.

APPENDIX E

Further appeals shall be as specified in Section 202.9.3.

~~202.9.2.5~~ The Building Code Council shall, upon a motion of the State enforcement agency or on its own motion, dismiss appeals for the following reasons:

1. Not pursued by the appellant or withdrawn;
2. Appeal not filed in accordance with these rules; or
3. Lack of jurisdiction.

~~202.9.2.6~~ When the Building Code Council finds that a State enforcement agency was in error in its interpretation of the code, the Building Code Council shall remand the case to the agency with instructions to take such actions as the Building Code Council directs. When the Building Code Council finds on appeal that materials or methods of construction proposed are equivalent to those required by the code, the Building Code Council shall remand the case to the State enforcement agency with instructions to permit the use of such materials or methods of construction. The Building Code Council shall immediately initiate procedures for amending the code to permit the use of such materials or methods of construction.

~~202.9.2.7~~ 202.9.2.7 The Building Code Council shall provide a written decision setting forth the findings of fact and the Building Code Council's conclusions to each party or parties filing the appeal and to the state enforcement agency from which the appeal was taken.

~~202.9.3~~ **Superior court.** Whenever any person desires to appeal a decision of the Building Code Council or a decision of a State or local enforcement agency, he may appeal either to the Wake County Superior Court or the Superior Court of the county in which the proposed building is to be situated in accordance with the provisions of Chapter 150B of the General Statutes.

[General Statute 143-141(d)]

APPENDIX F

STATE OF NORTH CAROLINA

**OWNER EXEMPTION AFFIDAVIT
PURSUANT TO G.S. 87-14(a)(1)**

COUNTY OF _____

_____ Inspections Department

Address and Parcel Identification of Real Property Where Building is to be Constructed or Altered:

I, _____,

(Print Full Name)

hereby claim an exemption from licensure under G.S. 87-1(b)(2) by initialing the relevant provision in paragraph 1 and initialing paragraphs 2 – 4 below and attesting to the following:

1. _____ I certify that I am the owner of the property set forth above on which this building is to be constructed or altered;

OR

_____ I am legally authorized to act on behalf of the firm or corporation which is constructing or altering this building on the property owned by the firm or corporation as set forth above (name of firm or corporation:

_____);

2. _____ I will personally superintend and manage all aspects of the construction or alteration of the building and that duty will not be delegated to any person not duly licensed under the terms of Article 1 of Chapter 87 of the General Statutes of North Carolina;

3. _____ I will be personally present for all inspections required by the *North Carolina State Building Code*, unless the plans for the construction or alteration of the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes of North Carolina;

4. _____ I understand that a copy of this AFFIDAVIT will be transmitted to the North Carolina Licensing Board for General Contractors for verification that I am validly entitled to claim an exemption under G.S. 87-1(b)(2) for the building construction or alteration specified herein. I further understand that, if the North Carolina Licensing Board for General Contractors determines that I was not entitled to claim this exemption, the building permit issued for the building construction or alteration specified herein shall be revoked pursuant to G.S. ~~153A-362~~ or G.S. ~~160A-422~~ 160D-1115.

(Signature of Affiant)

Date

Sworn to (or affirmed) and Subscribed before me this the _____ day of _____, 20____

Signature of Notary Public

Printed Name of Notary Public

My Commission Expires: _____ (Notary Stamp or Seal)

(NOTE: It is a Class F felony to willfully commit perjury in any affidavit taken pursuant to law—G.S. 14-209)

APPENDIX F

To: All NC Building Code Enforcement Jurisdictions

The North Carolina Licensing Board for General Contractors has implementing procedures to comply with NC General Statute 87-14. For projects costing \$30,000 or more, property owners claiming exemption to the general contractor licensing requirement when applying for a building permit are required, before being entitled to the permit, to execute a verified affidavit attesting:

- a. That the person is the owner of the property on which the building is being constructed or, in the case of a firm or corporation, is legally authorized to act on behalf of the firm or corporation.
- b. That the person will personally superintend and manage all aspects of the construction of the building and that the duty will not be delegated to any other person not duly licensed.
- c. That the person will be personally present for all inspections required by the *North Carolina State Building Code*, unless the plans for the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes.

The statute further requires that a copy of the affidavit be transmitted to the North Carolina Licensing Board for General Contractors for the purpose of verifying the applicant was validly entitled to claim the exemption. If during the permitting process any irregularities are detected that call in to question whether a permit applicant is fully complying with all applicable laws, the person issuing the permit should make note of the circumstances when forwarding information to the Board and provide a copy of the building permit application, including contact information for any subcontractors listed. **Please be aware the new requirements are not intended to delay the issuance of the building permit. When the person applying for the building permit reasonably satisfies the permitting authority that the applicable laws are being complied with, and executes all required documents, the building permit should be issued without delay.** Upon review of the documents, should any irregularities be detected that require further action, the Board's staff will contact the code enforcement authority.

Whenever possible, the most practical method of submitting affidavits to the Board is to scan the documents and transmit them as PDF email attachments to the appropriate Field Investigator serving the various code enforcement jurisdictions throughout the state. Specific email addresses have been set up for this purpose. Alternately, the documents may be faxed or sent via US Mail. ~~Attached to this email are pages with the~~ The assigned territories, email addresses for affidavit transmittal, fax numbers and contact information for the Board's field staff are found on the next page. Please contact the staff member serving your area with any questions you may have. ~~Also attached to this email is a model affidavit developed by the NC Home Builders Association in conjunction with the UNC School of Government. You may use this model affidavit or develop your own, as long as all the required information is provided.~~ Additional information is available on the UNC School of Government website using the following link: <http://www.sog.unc.edu/node/767>.

Thank you for your assistance in this matter. The Board sincerely appreciates your cooperation in implementing these new requirements.

FIELD INVESTIGATOR REGIONS

Region 1 — Coastal/SE (14) (Joel Macon 910-458-8899) Email: joelmacon@nclbgc.org

Bladen	Columbus	Duplin	Johnston	New Hanover	Pender
Brunswick	Craven	Harnett	Jones	Onslow	Sampson
Carteret	Cumberland				

Region 2 — Coastal N/E (27)(28) (Dean Burbage 252-927-3326) Email: deanburbage@nclbgc.org

Beaufort	Dare	Greene	Martin	Perquimans	<u>Warren</u>
Bertie	Edgecombe	Halifax	Nash	Pitt	Wayne
Camden	<u>Franklin</u>	Hertford	Northampton	Tyrrell	Wilson
Chowan	Gates	Hyde	Pamlico	Vance	
Currituck	Granville	Lenoir	Pasquotank	Washington	

Region 3 — Upper Piedmont (17)(16) (Curtis Huff 919-690-8734) Email: curtishuff@nclbgc.org

Alamance	Durham	Lee	Randolph	Surry	Yadkin
Caswell	Forsyth	Orange	Rockingham	<u>Wake</u>	
Chatham	Franklin	Warren			
Guilford	Person	Stokes	Wilkes		

Region 4 — Lower Piedmont (15) (Waties Greene ~~980-210-3627~~ 910-653-5356) Email: watiesgreene@nclbgc.org

Anson	Davidson	Mecklenburg	Richmond	Scotland
Cabarrus	Hoke	Montgomery	Robeson	Stanly
Davie	Iredell	Moore	Rowan	Union

Region 5 — Western (27) (Ryan Cody 828-689-3388) Email: ryancody@nclbgc.org

Alexander	Burke	Cleveland	Jackson	Mitchell	Watauga
Alleghany	Caldwell	Gaston	Lincoln	Polk	Yancey
Ashe	Catawba	Graham	Macon	Rutherford	
Avery	Cherokee	Haywood	Madison	Swain	
Buncombe	Clay	Henderson	McDowell	Transylvania	

Affidavits transmitted to the Board via IJS Mail should be sent to:

Susan Sullivan, Director of Investigations
 NC Licensing Board for General Contractors
 P.O. Box 171875400 Creedmoor Road
 Raleigh, North Carolina 2761927612
www.nclbgc.org / email: complaints@nclbgc.org

APPENDIX G

DESIGN PROFESSIONAL INSPECTION FORM

RECORD OF THE INSPECTION OF A **COMPONENT OR ELEMENT** BY A NC LICENSED ARCHITECT OR ENGINEER

Project Information:

Residential Single-Family Project: Y N	Commercial Project: Y N
Code Enforcement Project No:	Permit No:
Project Name:	Owner:
Project Address:	Suite No:
Date Inspected:	Contractor Name:
Component Inspected:	

Responsible Licensed NC Architect or NC Engineer

Name:	
Firm Name:	
Phone Numbers:	Office: Mobile:
Email Address:	
Mailing Address:	

APPLICABLE CODE:

2024 NCBC = 2024 NC Building Code; 2024 NCRC = 2024 NC Residential Code

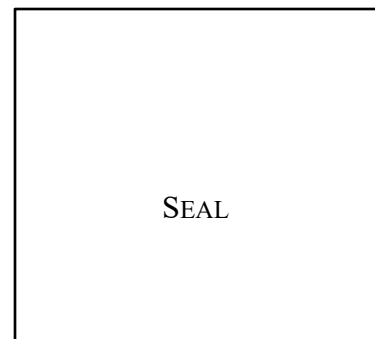
Describe Element/Component/Type of Inspection: *

*(subgrade form/letter may also be required)

Attestation/Signature:

By signing below, I certify that the component and/or element of the building as identified on this form has been inspected by me or someone under my direct supervision per G.S. ~~160D-11-6~~160D-1106 and is in compliance with the Code or other proposal of the architect or engineer for the project. This inspection is in compliance with all of the requirements of the above referenced code. Attach any additional documents if needed.

Licensed Architect or Engineer



Inspection Department disclaimer:

Upon the receipt of a signed written document as required by G.S. ~~160D-11-6~~160D-1106, Code Enforcement shall be discharged and released from any liabilities, duties and responsibilities imposed by this article or in common law from any claim arising out of or attributed to the component or element in the construction of the building for which the signed written document was submitted. Be aware that this inspection will be noted in all inspection records including the Certificate of Occupancy or

DRAFT