

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, All Provisions

DEADLINE FOR RECEIPT: TBD

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In their comment in opposition to the NC Energy Conservation Code, the NC Homebuilders Association encloses an email exchange between their director of Codes and Construction, Cliff Isaac, and staff at the Building Code Council regarding the Council's failure to incorporate a statutory exemption into the NC Energy Conservation Code.

In the final email of the exchange, Building Code Council member Kim Wooten states:

[t]here are many examples of building codes and state statutes not in agreement. The NCBCC adopts codes for the general welfare of the public per statute. The General Assembly may make laws that contradict codes and may affect the general welfare of NC citizens, but that effort is independent of the NCBCC (emphasis added).

In light of this statement, please disclose any and all provisions of the 2024 NC Existing Building Code that the Council is aware are "not in agreement" with the laws of the State of North Carolina.

In your Submission of Permanent Rule Form, you've said that no fiscal note is necessary for the 2024 Fire Code, and that the changes to the Code do not create a substantial economic impact. However, there appear to be changes throughout the Code that impose more stringent requirements than the existing language. Would these changes not have an aggregate effect of \$1 million across the state? Also, to the extent that those apply to residential buildings, do these changes not increase the cost of a residential housing unit by more than \$80? This question is particularly relevant to the separate change to 907.2.3.1, which I've delved further into below.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: June 19, 2024

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 1

DEADLINE FOR RECEIPT: TBD

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In 102.1, item 2, what is an “Existing structure... not legally in existence at the time of adoption of this code?”

In 102.1, item 3 isn’t grammatical, as it doesn’t flow from the first part of the sentence before the colon. Consider revising or reformatting as an exception.

In 102.13, the exceptions are not inclusive of everything required by G.S. 143-138(b4). Please revise. (Note, the separate amendment to 102.13 addresses this concern).

Also in 102.13, should the exception for temporary motion picture, television, and theater stage sets be included here?

Where is your statutory authority for 104.1? Specifically, where is the statutory authority to permit the fire code official to interpret the code and adopt policies, procedures, rules, and regulations?

Add a period to the end of 104.6.

In 104.3 through 104.7.1, and 104.9 through 104.11, please provide specific cross references to the Administrative Code and to the General Statutes.

In 105.1.2, item 1.1.2, under what circumstances or criteria would the permit be revoked or allowed to expire?

In 105.1.2.1, “fire code official” should be italicized.

Also in 105.1.2.1, what parts of the Administrative Code and General Statutes are you referring to?

Also in 105.1.2.1, does a “change in occupancy” refer to the occupancy classification, or a change in the ordinary meaning of occupancy (i.e. a new person or entity takes up residence in the location)?

Also in 105.1.2.1, what does a “change in operation” mean?

In 105.1.4, the permit application must be submitted within the next business day of what event? The repair? Also, consider using one of “working day” or “business day” but not both.

In 105.1.5, what is an “ordinary repair”? Is it anything except what is listed in the sentences following?

In 105.2, where is the fire code official’s statutory authority to set application form requirements? Pursuant to G.S. 150B-2(8a), a form must go through rulemaking unless the substantive content of the form is described in another rule or in a statute. Thus, if the fire code official is setting the contents of a form, not only must he have the statutory authority to engage in rulemaking, but he must put said forms through the rulemaking process.

In 105.2.2., why would vehicles be included in an inspection of a structure?

In 105.2.3, I don’t quite understand. If the permit is filed, how could it be deemed abandoned? Once it is filed, isn’t it on the fire code official to either approve or deny it?

In 105.2.3.1, what portions of the Administrative Code and General Statutes are you referring to?

In 105.2.4, define “reasonable time”.

In 105.2.4, what are the “pertinent laws”?

In 105.2.4, define “as soon as practicable.”

In 105.3.4, what does “occupied safely” mean? If it means something less than the other requirements of the Code, then are those requirements actually justified for protecting the public health, safety, and welfare?

Is 105.3 and its subsections directed to construction permits, or operational permits as well?

In 105.3.8, what portions of the Administrative Code and General Statutes are you referring to?

In 105.5.18, what is an “optional permit”? Isn’t that an oxymoron?

Additionally in 105.5.18, aren't some of the activities covered by the "optional" permits also covered by the "mandatory" permits? For instance, in item 2, an "optional" permit is offered for storage, handling, or use of Class I liquids in excess of 10 gallons outside a building, yet a mandatory permit is required for operating a tank for flammable and combustible liquids. This appears to me to be same thing.

In 105.5.25, italicize "hot work" throughout.

In 105.5.53, define "long-term temporary".

Also in 105.6.2, please define "substantially modify".

In the exception to 105.6.2, define "routine" maintenance.

In 106.1, where is your statutory authority to permit the fire code official to set the criteria for the application form? Pursuant to G.S. 150B-2(8a), a form must go through rulemaking unless the substantive content of the form is described in another rule or in a statute. Thus, if the fire code official is setting the contents of a form, not only must he have the statutory authority to engage in rulemaking, but he must put said forms through the rulemaking process.

In 106.2.4.1, what does "provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code" mean? In particular, define "adequate", "detailed", and "pertinent requirements".

In 112.3.3., please define "promptly".

In 114.1, who is empowered to make the determination that a premises, a structure, or building system constitutes a clear and inimical threat to human life, safety, or health?

In 114.1.1, should the term used be "unsanitary", rather than "insanitary"?

In 114.3, with whom shall the fire code official file the report?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 2

DEADLINE FOR RECEIPT: TBD

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In the definition of "Industrial additive manufacturing", delete the extraneous period following "system".

In the definition of "Nonindustrial additive manufacturing", do you mean "do not create a hazardous (classified) location area"? If not, delete "do".

In the definition of "Explosive" the reference to the United States Code should say "Chapter 40 of Title 18 of the United States Code" or "18 U.S.C. Chapter 40".

Is the definition of "Greenhouse" consistent with the definition offered in other codes? I believe the BCC defined "greenhouse" in the NC Energy Conservation Code earlier this year. Moreover, is it consistent with G.S. 143-138(b4)?

In the definition of "Ladder", the term should be bolded.

In the definition of "Special Amusement Building", the term seems to have been added (it is underlined), but the rest of the definition is not underlined. Please format properly.

In the definition of "Special Expert", what level of qualifications are required to be deemed a special expert? Any level of education, training, and experience?

Capitalize the defined term in the definition of "Valet Trash Collection Service."

In Section 203, are the occupancy provisions identical to those in Chapter 3 of the Building Code? If not, which, and why? Further, to the extent that they are identical, please address here any relevant request for changes from the Building Code.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: June 19, 2024

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 3

DEADLINE FOR RECEIPT: TBD

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In 303.7, italicize "Hi-boys."

In 304.1.2, what is the "International Wildland-Urban Interface Code"? Does the Council have statutory authority to require compliance with it?

In 307.2, there are some grammatical problems. In the first sentence, please revise "recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire" into a grammatically correct list. In the second sentence, please revise "Application for such approval shall only be presented by and permits issued to the owner of the land".

Also in 307.2, italicize "bonfire".

In 307.4.1, italicize "bonfire".

In 308.1.8.3, define "safe manner" and "high flames".

In 310.2, define "hazard".

In 324.1, add "Section" before "324".

In Exception 1 to 324.4.1, how is the intent ascertained?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 4

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 403.7.2.3 and 403.9.3.2, define “promptly”.

In 405.4, who is doing the assigning? Also, please define “competent” and “leadership”. What does a person exercising leadership do in this context?

In Exception 1 to 405.5, what is a “severe climate”? Does NC have a “severe climate”?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 5

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 510.4.1, what criteria would the AHJ use to deem an area “critical”?

In 510.6.4, what agency? Also, define “reasonable time”.

In 511.2.1, what is the “International Wildland-Urban Interface Code” and does the Council have statutory authority to allow for its use?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 6

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

This chapter appears to cover material that is extensively covered by the other technical codes. Are the requirements here in addition to those in the technical codes, or is Ch. 6 merely repeating the content of the other codes? To the extent that it is repetitious of the other codes, are the requirements identical? I recall the other codes having many cross-references to the Fire Code, so I assume they are, but please confirm.

In 601.2.1, what is the difference between abating and correcting a condition?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 8

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 803.1, should the new sentence below the existing paragraph be labeled as an exception?

In 807.4, the text is underlined and struck through. Is this intended to be a deletion or an addition? Please format correctly.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 9

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 901.4.7.1, to whom should the key be available?

In 903.3.1.2, the text states that the Group R occupancy must meet all of the “following conditions” but then lists only one condition. Are there other conditions that have been accidentally omitted? If not, consider folding item 1 into the main paragraph.

In 909.20.6.3, who is the “building official”? Did you mean the fire code official?

Separate Amendment to 907.2.3.1 of the NC Building Code and the NC Fire Code

This change, if I understand it correctly, would require almost every public school in the State to install an automatic smoke detection system. Yet, the Submission for Permanent Rule form indicates that no State or local funds will be affected, and no fiscal note is required. Please explain why this change will not affect either State or local funds, or why the costs involved do not constitute a substantial economic impact.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Existing Building Code, Ch. 10

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In Table 1004.5, note the reference to Piers and docks, and Section 3606.8 of the Building Code, as I believe these sections are subject to amendment due to Session Law 2023-137.

In 1015.2, note the reference to Sections 3606.6 and 3607.13 of the Building Code, as I believe these sections are subject to amendment due to Session Law 2023-137.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: June 19, 2024

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 12

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 1204.7, item 1 and 2, I believe you mean “premises” instead of “premise”.

In the exception to 1206.1, should the fuel cell-powered electric vehicle comply only with 1206.14? Consider revising to make that clear.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: June 19, 2024

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 24

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 2408.4.2, define “promptly”.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 28

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 2810.7, define "important" building.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 30

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 3003.3, consider "flammable vapors, mists, or combustible dusts."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 31

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 3107.17, what are the required qualifications for standby personnel?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 33

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 3303.4, does the fire code official have statutory authority to set the qualifications and training requirements for site safety directors?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 35

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 3504.3.1, item 1, what is “satisfactory” condition?

In 3510.2, item 5, “qualified” how?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 36

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

Will the provisions of Chapter 36 be affected by Session Law 2023-137?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 50

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 5001.6, what is the difference between a temporary and a permanent closure?

In 5003.12, item 1, what is “common” combustible material”? Can someone store uncommon combustible material that is not necessary to the storage with the hazardous material?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 53

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 5306.1.1, I think you need to complete the sentence. Personnel shall be trained on the use, safe handling, and associated hazards of" what? Also, is anyone or any entity responsible for providing or verifying this training?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 56

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 5606.1, please define "commercial reloading".

In the exception to 5608.5.3, what is a "minor repair"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 57

DEADLINE FOR RECEIPT: TBD

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In 5701.2, item 9, liquids without flash points that can be flammable under some conditions are exempted from this Chapter. What conditions?

In 5705.6.5, what criteria will the fire code official use to deem an area adequately lighted?

Separate amendment to 5706.5.4.5
Italicize "approved".

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 61

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 6101.1, delete "the" prior to "02 NCAC 38".

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 61

DEADLINE FOR RECEIPT: TBD

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In reviewing this Rule, the staff recommends the following changes be made:

In 6303.1.5, what is the significance of the asterisks preceding the text?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Fire Code, Ch. 1

DEADLINE FOR RECEIPT: TBD

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In 102.1, item 2, what is an “Existing structure... not legally in existence at the time of adoption of this code?”

In 102.1, item 3 isn’t grammatical, as it doesn’t flow from the first part of the sentence before the colon. Consider revising or reformatting as an exception.

In 102.13, the exceptions are not inclusive of everything required by G.S. 143-138(b4). Please revise. (Note, the separate amendment to 102.13 addresses this concern).

Also in 102.13, should the exception for temporary motion picture, television, and theater stage sets be included here?

Where is your statutory authority for 104.1? Specifically, where is the statutory authority to permit the fire code official to interpret the code and adopt policies, procedures, rules, and regulations?

Add a period to the end of 104.6.

In 104.3 through 104.7.1, and 104.9 through 104.11, please provide specific cross references to the Administrative Code and to the General Statutes.

In 105.1.2, item 1, to be clear, unless the business is listed in Section 105, a permit is not necessary? What about those operations listed in Section 105 that are designated “optional permit”?

In 105.1.2, item 1.1, what is the “prescribed period”? Prescribed by whom, according to what criteria?

In 105.1.2.1, “fire code official” should be italicized.

Also in 105.1.2.1, what parts of the Administrative Code and General Statutes are you referring to?

Also in 105.1.2.1, does a “change in occupancy” refer to the occupancy classification, or a change in the ordinary meaning of occupancy (i.e. a new person or entity takes up residence in the location)?

Also in 105.1.2.1, what does a “change in operation” mean?

In 105.1.4, the permit application must be submitted within the next business day of what event? The repair? Also, consider using one of “working day” or “business day” but not both.

In 105.1.5, what is an “ordinary repair”? Is it anything except what is listed in the sentences following?

In 105.2, where is the fire code official’s statutory authority to set application form requirements? Pursuant to G.S. 150B-2(8a), a form must go through rulemaking unless the substantive content of the form is described in another rule or in a statute. Thus, if the fire code official is setting the contents of a form, not only must he have the statutory authority to engage in rulemaking, but he must put said forms through the rulemaking process.

In 105.2.2., why would vehicles be included in an inspection of a structure?

In 105.2.3, I don’t quite understand. If the permit is filed, how could it be deemed abandoned? Once it is filed, isn’t it on the fire code official to either approve or deny it?

In 105.2.3.1, what portions of the Administrative Code and General Statutes are you referring to?

In 105.2.4, define “reasonable time”.

In 105.2.4, what are the “pertinent laws”?

In 105.2.4, define “as soon as practicable.”

In 105.3.4, what does “occupied safely” mean? If it means something less than the other requirements of the Code, then are those requirements actually justified for protecting the public health, safety, and welfare?

Is 105.3 and its subsections directed to construction permits, or operational permits as well?

In 105.3.8, what portions of the Administrative Code and General Statutes are you referring to?

In 105.5, what is an “optional permit”? Isn’t that an oxymoron? At whose option is the permit required?

Additionally in 105.5.18, aren’t some of the activities covered by the “optional” permits also covered by the “mandatory” permits? For instance, in item 2, an “optional” permit is offered for storage, handling, or use of Class I liquids in excess of 10 gallons outside a building, yet a mandatory permit is required for operating a tank for flammable and combustible liquids. This appears to me to be same thing.

In 105.5.25, what is “hot work”?

In 105.5.53, define “long-term temporary”.

Also in 105.6.2, please define “substantially modify”.

In the exception to 105.6.2, define “routine” maintenance.

In 106.1, where is your statutory authority to permit the fire code official to set the criteria for the application form? Pursuant to G.S. 150B-2(8a), a form must go through rulemaking unless the substantive content of the form is described in another rule or in a statute. Thus, if the fire code official is setting the contents of a form, not only must he have the statutory authority to engage in rulemaking, but he must put said forms through the rulemaking process.

In 106.2.4.1, what does “provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code” mean? In particular, define “adequate”, “detailed”, and “pertinent requirements”.

In 112.3.3., please define “promptly”.

In 114.1, who is empowered to make the determination that a premises, a structure, or building system constitutes a clear and inimical threat to human life, safety, or health?

In 114.1.1, should the term used be “unsanitary”, rather than “insanitary”?

In 114.3, with whom shall the fire code official file the report?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.