## SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
<ul> <li>2. Rule citation &amp; name (name not required for repeal):</li> <li>2024 North Carolina Building Code Section 101.2 Scope (230314 Item B-8)</li> </ul>	
3. Action:	] READOPTION 🗌 REPEAL through READOPTION
4. Rule exempt from RRC review?	5. Rule automatically subject to legislative review?
<b>Yes. Cite authority:</b>	<b>Yes. Cite authority:</b>
🖂 No	No No
6. Notice for Proposed Rule:	
⊠ Notice Required	
Notice of Text published on: May 15, 2023	
Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices	
Hearing on: June 13, 2023	
Adoption by Agency on: September 12, 2023	
Notice not required under G.S.:	
Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1)	8. Fiscal impact. Check all that apply.
	This Rule was part of a combined analysis.
	Ins Rule was part of a combined analysis.
Agency submitted request for consultation on: Consultation not required. Cite authority:	State funds affected
Consultation not required. Che authority.	Local funds affected
🖂 No	☐ Substantial economic impact (≥\$1,000,000)
	Approved by OSBM
No fiscal note required	
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply:	
Agency	Legislation enacted by the General Assembly
Court order / cite:	Cite Session Law:
<b>Federal statute / cite:</b>	Petition for rule-making
<b>DR</b> Federal regulation / cite:	Other:
<b>9B.</b> Explain: The purpose of this amendment is to generically identify and include exemptions stated in NC General Statute 143-138, paragraph b4. By referencing the statute, the code includes all changes to the statute during the cycle of	
the code.	
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 Bruce Rittlinger	11. Signature of Agency Head* or Rule-making Coordinator:
David B. Rittlinger	
Phone: (919)647-0008	DBBAlex-
E-Mail: david.rittlinger@ncdoi.gov	L'IS ROMBY
Additional agency contact, if any:	4TC/L's Construction 1.1 (1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.
Phone:	*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.
E-Mail:	Typed Name: David Bruce Rittlinger
	Title: (Interim) Deputy commissioner of Engineering & Chief
	Code Consultant
RRC AND OAH USE ONLY	
Action taken:	
DPC optended period of review:	
RRC extended period of review:         RRC determined substantial changes:	
Withdrawn by agency	
Subject to Legislative Review	
Other:	

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[A] 101.2 Scope. The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

**Exception:** If any of the following apply, then the building or structure is exempt from the provisions of this code:

- 1. Detached one- and two-family *dwellings* and *townhouses* not more than three *stories above grade plane* in height with a separate *means of egress*, and their accessory structures not more than three *stories above grade plane* in height, shall comply with this code or the *International Residential Code*.
- 2. Farm buildings not used for:
  - a. Sleeping purposes; or
  - b. Storage of hazardous materials in excess of those listed in Tables 307.1(1) and 307.1(2) within the building rules jurisdiction of any municipality.
- 3. The design, construction, location, installation or operation of equipment for storing, handling and transporting liquefied petroleum gases for fuel purposes up to the outlet of the first stage pressure regulator, anhydrous ammonia or other liquid fertilizer.
- 4. The design, construction, location, installation or operation of equipment of facilities of a public utility, as defined in N.C.G.S. 62-3, or electric or telephone membership corporation, including without limitation poles, towers and other structures supporting electric or communication lines from the distribution network up to the meter location.
- 5. The storage and handling of substances governed by the Hazardous Chemical Right to Know Act in N.C.G.S. Chapter 95, Article 18.
- 6. Retaining walls complying with any of the following:
  - a. 3 feet or less in height where a guard is required;
  - b. 5 feet or less of cumulative fill within 3 feet horizontally from the wall;
  - c. Not located within 15 feet of another retaining wall; and
  - d. Not located within 3 feet of a building or structure.
- 7. Farm structures exempt by N.C.G.S 143-138(b4).