## SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2024 North Carolina Fire Code Section 102.13 Exception to applicability (230314 Item B-9)	
3. Action:  ☑ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐	READOPTION REPEAL through READOPTION
4. Rule exempt from RRC review?  ☐ Yes. Cite authority:  ☒ No	5. Rule automatically subject to legislative review?  ☐ Yes. Cite authority:  ☐ 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.
<ul> <li>Yes         Agency submitted request for consultation on:         Consultation not required. Cite authority:     </li> <li>No</li> </ul>	<ul> <li>□ This Rule was part of a combined analysis.</li> <li>□ State funds affected</li> <li>□ Local funds affected</li> <li>□ Substantial economic impact (≥\$1,000,000)</li> <li>□ Approved by OSBM</li> <li>☑ No fiscal note required</li> </ul>
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply:    Agency	
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 David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov	11. Signature of Agency Head* or Rule-making Coordinator:
Additional agency contact, if any:	*If this function has been delegated (reassigned) pursuant to
Phone: E-Mail:	G.S. 143B-10(a), submit a copy of the delegation with this form.  Typed Name: David Bruce Rittlinger  Title: (Interim) Deputy commissioner of Engineering & Chief  Code Consultant
RRC AND OAH USE ONLY	
Action taken:  RRC extended period of review: RRC determined substantial changes: Withdrawn by agency	
Subject to Legislative Review Other:	

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**102.13 Exception to applicability.** The provisions of this code shall not apply to the following:

- 1. Occupancy of one- and two-family dwellings.
- 2. Farm buildings not used for:
  - a. Sleeping purposes; or
  - b. Storage of hazardous materials in excess of those listed in Tables 5003.1.1(1) and 5003.1.1(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 first stage regulator, liquefied natural gases, and anhydrous ammonia or other liquid fertilizers.
- 4. The design, construction, location, installation or operation of equipment or facilities of a public utility, as defined in N.C.G.S. 62-3, or an 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.

**Exception:** All buildings owned and operated by a public utility or an electric or telephone membership corporation shall meet the provisions of the code.

- 5. The storage and handling of substances governed by the Hazardous Chemicals Right to Know Act in N.C.G.S. Chapter 95, Article 18.
- 6. Open burning pursuant to N.C.G.S. 106-940 through 106-950 under the jurisdiction of the North Carolina Department of Agriculture and Consumer Services.
- 7. Farm structures exempt by N.C.G.S 143-138(b4).