

# ***NORTH CAROLINA REGISTER***

**VOLUME 38 • ISSUE 22 • Pages 1442 – 1480**

**May 15, 2024**

<b>I. IN ADDITION</b>		
Elections, Board of – Written Advisory Opinions .....	1442 – 1446	
DHHS – Notice of Application for a New Innovative Approval of a Wastewater System.....	1447	
NC License and Theft Bureau – Public Notice of License Application Submission.....	1448	
NC Building Code Council – Notice of Rulemaking .....	1449 - 1452	
<b>II. PROPOSED RULES</b>		
<b>Insurance, Department of</b>		
Code Officials Qualification Board .....	1453 – 1471	
<b>Environmental Quality, Department of</b>		
Wildlife Resources Commission.....	1471 – 1477	
<b>III. RULES REVIEW COMMISSION .....</b>		1478 – 1480

**PUBLISHED BY**

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## Contact List for Rulemaking Questions or Concerns

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

### **Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**

Office of Administrative Hearings

Rules Division

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Raleigh, North Carolina 27609

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### **Rule Review and Legal Issues**

Rules Review Commission

1711 New Hope Church Road

984-236-1850

Raleigh, North Carolina 27609

984-236-1947 FAX

contact: Brian Liebman, Commission Counsel

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William W. Peaslee, Commission Counsel

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984-236-1929

Alexander Burgos, Paralegal

[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)

984-236-1940

### **Fiscal Notes & Economic Analysis**

Office of State Budget and Management

116 West Jones Street

Raleigh, North Carolina 27603-8005

Contact: Julie Ventaloro, Economic Analyst

[osbmruleanalysis@osbm.nc.gov](mailto:osbmruleanalysis@osbm.nc.gov)

984-236-0694

NC Association of County Commissioners

919-715-2893

215 North Dawson Street

Raleigh, North Carolina 27603

contact: Amy Bason

[amy.bason@ncacc.org](mailto:amy.bason@ncacc.org)

NC League of Municipalities

919-715-2925

424 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

contact: Monica Jackson

[mjackson@nclm.org](mailto:mjackson@nclm.org)

### **Legislative Process Concerning Rulemaking**

545 Legislative Office Building

300 North Salisbury Street

919-733-2578

Raleigh, North Carolina 27611

919-715-5460 FAX

Jason Moran-Bates, Staff Attorney

Chris Saunders, Staff Attorney

Aaron McGlothlin, Staff Attorney

**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2024 – December 2024

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 <sup>th</sup> day from publication in the Register
38:13	01/02/24	12/06/23	01/17/24	03/04/24	03/20/24	04/30/2024	05/01/24	09/28/24
38:14	01/16/24	12/19/23	01/31/24	03/18/24	03/20/24	04/30/2024	05/01/24	10/12/24
38:15	02/01/24	01/10/24	02/16/24	04/01/24	04/20/24	05/29/2024	06/01/24	10/28/24
38:16	02/15/24	01/25/24	03/01/24	04/15/24	04/20/24	05/29/2024	06/01/24	11/11/24
38:17	03/01/24	02/09/24	03/16/24	04/30/24	05/20/24	06/26/2024	07/01/24	11/26/24
38:18	03/15/24	02/23/24	03/30/24	05/14/24	05/20/24	06/26/2024	07/01/24	12/10/24
38:19	04/01/24	03/08/24	04/16/24	05/31/24	06/20/24	07/31/2024	08/01/24	12/27/24
38:20	04/15/24	03/22/24	04/30/24	06/14/24	06/20/24	07/31/2024	08/01/24	01/10/25
38:21	05/01/24	04/10/24	05/16/24	07/01/24	07/20/24	08/28/2024	09/01/24	01/26/25
38:22	05/15/24	04/24/24	05/30/24	07/15/24	07/20/24	08/28/2024	09/01/24	02/09/25
38:23	06/03/24	05/10/24	06/18/24	08/02/24	08/20/24	09/25/2024	10/01/24	02/28/25
38:24	06/17/24	05/24/24	07/02/24	08/16/24	08/20/24	09/25/2024	10/01/24	03/14/25
39:01	07/01/24	06/10/24	07/16/24	08/30/24	09/20/24	10/30/2024	11/01/24	03/28/25
39:02	07/15/24	06/21/24	07/30/24	09/13/24	09/20/24	10/30/2024	11/01/24	04/11/25
39:03	08/01/24	07/11/24	08/16/24	09/30/24	10/20/24	11/26/2024	12/01/24	04/28/25
39:04	08/15/24	07/25/24	08/30/24	10/14/24	10/20/24	11/26/2024	12/01/24	05/12/25
39:05	09/03/24	08/12/24	09/18/24	11/04/24	11/20/24	12/19/2024	01/01/25	05/31/25
39:06	09/16/24	08/23/24	10/01/24	11/15/24	11/20/24	12/19/2024	01/01/25	06/13/25
39:07	10/01/24	09/10/24	10/16/24	12/02/24	12/20/24	*01/29/2025	02/01/25	06/28/25
39:08	10/15/24	09/24/24	10/30/24	12/16/24	12/20/24	*01/29/2025	02/01/25	07/12/25
39:09	11/01/24	10/11/24	11/16/24	12/31/24	01/20/25	*02/26/2025	03/01/25	07/29/25
39:10	11/15/24	10/24/24	11/30/24	01/14/25	01/20/25	*02/26/2025	03/01/25	08/12/25
39:11	12/02/24	11/06/24	12/17/24	01/31/25	02/20/25	*03/26/2025	04/01/25	08/29/25
39:12	12/16/24	11/21/24	12/31/24	02/14/25	02/20/25	*03/26/2025	04/01/25	09/12/25

\*Dates not approved by the RRC

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

## EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

### GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

**COMPUTING TIME:** In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

### FILING DEADLINES

**ISSUE DATE:** The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

**LAST DAY FOR FILING:** The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

### NOTICE OF TEXT

**EARLIEST DATE FOR PUBLIC HEARING:** The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

**END OF REQUIRED COMMENT PERIOD**  
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

**DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:** The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.



**NORTH CAROLINA**  
**STATE BOARD OF ELECTIONS**

*Mailing Address:*  
P.O. Box 27255,  
Raleigh, NC 27611  
(919) 814-0700 or  
(866) 522-4723  
*Fax:* (919) 715-0135

Senator Kevin Corbin  
Friends of Kevin Corbin  
P.O. Box 758  
Franklin, NC 28744

April 19, 2024

Re: Request for an advisory opinion under N.C.G.S. § 163-278.23 regarding district office

Dear Senator Corbin,

Thank you for contacting our office. The following written opinion is provided in accordance with N.C.G.S. § 163-278.23.

On February 28, 2024, you submitted several questions about establishing a legislative office in your district and whether campaign contributions could be used to pay for the space. The district office will provide a public location to meet with constituents. The space will be used only for conducting legislative business, it will not be used for campaign purposes. You also indicated in your email that you currently own an office building in your district and intend to use a portion of that space for the district office. The retail value of the space you own is \$300 per month.

North Carolina permits a candidate or candidate campaign committee to use contributions for “[e]xpenditures resulting from the campaign” or “[e]xpenditures resulting from holding public office.” N.C.G.S. § 163-278.16B(a)(1), (2). Your district covers some of the westernmost counties in North Carolina – meaning that your legislative office in Raleigh may be inaccessible for many constituents who seek to meet with you during your term. So long as the use of the space is limited to campaign activity or legislative business, campaign contributions may be used to rent space for a district office.

However, you also shared that you personally own the office space you intend to use for the district office. The rent for the space will be paid to you directly. This proposed arrangement raises additional questions under N.C.G.S. § 163-278.16B. In 2020, the State Board adopted 08 NCAC 21 .0301 and made clear that an officeholder may not use campaign contributions to rent residential real property

that is owned directly or indirectly by the officeholder. N.C.G.S. § 163-278.16B precludes the use of campaign contributions and expenditures for residential real property owned by the candidate because such transactions lead to personal enrichment.

While relevant to the analysis, rule 08 NCAC 21 .0301 is not directly applicable to your question since the space you are considering is commercial, not residential. However, using campaign contributions to rent commercial real property that you own raises the same concerns that the State Board sought to address with the adoption of 08 NCAC 21 .0301. It is my conclusion that using candidate committee funds to pay rent for office space in an office building you directly own would violate N.C.G.S. § 163-278.16B.

Your personal donation of the space for use as a district office is not prohibited under Chapter 163 and would not trigger any reporting requirements if the use was limited to legislative business. In general, a member of the General Assembly is not required to disclose personal expenditures for official state business in a campaign finance disclosure report. These expenses are not contributions to the campaign under the definition in N.C.G.S. § 163-278.6(13). However, should you elect to use the district office for campaign activity as well, then the space will constitute an in-kind contribution to your campaign, and you will be required to report the fair market value of the in-kind contribution. *See* N.C.G.S. §§ 163-278.6(13) and 278.11(a)(1).

This opinion will be filed with the Codifier of Rules to be published in the North Carolina Register.

Sincerely,



Karen Brinson Bell  
Executive Director  
State Board of Elections

Cc: Ashley B. Snyder, Codifier of Rules



**NORTH CAROLINA**  
**STATE BOARD OF ELECTIONS**

*Mailing Address:*  
P.O. Box 27255,  
Raleigh, NC 27611  
(919) 814-0700 or  
(866) 522-4723  
*Fax:* (919) 715-0135

Richard Waterman, Treasurer  
Lincoln County Democratic Party  
P.O. Box 1661  
Lincolnton, NC 28093

April 19, 2024

Re: Request for an advisory opinion under N.C.G.S. § 163-278.23 regarding Building Fund utility expenses

Dear Treasurer Waterman,

Thank you for contacting our office. The following written opinion is provided in accordance with N.C.G.S. § 163-278.23.

You've asked whether a political party headquarters building fund may use donations to pay bills for internet connection and internet services for the principal headquarters building.

In 2013, N.C.G.S. § 163-278.19B(4) was amended to eliminate a prohibition on the use of building funds for "utilities." 2013 N.C. Sess. Laws 2013-381, sec. 43.1. The law now says that donations to the political party headquarters building fund may be spent to pay "monthly or bimonthly utility expenses incurred to operate the principal headquarters building." N.C.G.S. § 163-278.19B(4).

The General Assembly provided no further definition of "utility" in Article 22A. Merriam-Webster defines a utility as "a service (such as light, power or water) provided by a public utility." *Utility*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/utility> (last visited Jan. 19, 2024). Black's Law Dictionary defines a public utility as "a company that provides necessary services to the public, such as telephone lines and service, electricity, and water." Black's Law Dictionary (11<sup>th</sup> ed. 2019).

Neither of these definitions clearly encompass the internet or internet services providers. Today, most internet service providers remain privately owned and operate under limited regulations.

There has been discussion and debate over whether internet access services are, and should be regulated as, public utilities. In 2015, the Federal Communications Commission reclassified broadband internet access service as a telecommunications service subject to regulation under the Title II of the Communications Act of 1934. *FCC Releases Open Internet R&O, Declaratory Ruling, and Order*, 30 FCC Rcd. 5601 (Mar. 12, 2015). In 2018, the Federal

Communications Commission reversed course in favor of “light-touch regulation.” *Restoring Internet Freedom*, 33 FCC Rcd. 311, 375 (Jan. 4, 2018). In November 2023, the Federal Communications Commission published a new Notice of Proposed Rulemaking to “reestablish the Commission’s authority over broadband internet access service” by reinstating the 2015 classification. *Safeguarding and Securing the Open Internet*, 88 Fed. Reg. 76048 (Nov. 3, 2023).

These debates do not center around whether the internet is in fact a public utility – they focus on what regulatory structure to impose in making these services available to the public. In their November 2023 proposal, the Federal Communications Commission notes that “not unlike *other essential utilities*, such as electricity and water, [broadband internet access service] connections have proved essential to every aspect of our daily lives, from work, education, and healthcare, to commerce, community, and free expression.” *Safeguarding and Securing the Open Internet*, 88 Fed. Reg. 76048, 76049 (Nov. 3, 2023) (emphasis added).

These sentiments have also been echoed by Congress. In the 2020 Cares Act, a “covered utility payment” included a payment for “internet access.” 15 U.S.C. § 636m(a)(8). As part of the Bipartisan Infrastructure Investment and Jobs Act, Congress found that “access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States.” 47 U.S.C. § 1701(1).

Under the North Carolina Public Utilities Act, a public utility includes a person owning or operating in this State equipment or facilities for “conveying or transmitting messages or communications by telephone or telegraph, or any other means of transmission, where such service is offered to the public for compensation.” N.C.G.S. § 62-3(23)a.6. Again, that is not to say that internet service providers are regulated by the North Carolina Utilities Commission like other public utilities are. The General Assembly has acted numerous times to remove entities falling clearly within the classic definition of a public utility—as defined in G.S. 62-3(23)a.6—from the regulatory oversight of the Commission. *Application of Time Warner Cable Information Services (North Carolina), LLC, for Designation As An Eligible Telecommunications Carrier*, 2014 N.C. PUC LEXIS 286 (N.C.U.C. Jan. 22, 2014). In 2005, the General Assembly declared as a matter of policy that broadband services provided by public utilities are not regulated by the N.C. Utilities Commission because these services are “sufficiently competitive.” N.C. Sess. Laws 2005-95, sec. 1.

Nonetheless, the way North Carolina chooses to regulate the internet or internet service providers is not necessarily determinative as to whether internet services are “utility expenses” for the purposes of N.C.G.S. § 163-278.19B(4). Internet services are “utility expenses” based on the aforementioned definition of public utility in the North Carolina Public Utilities Act, N.C.G.S. § 62-3(23), and because internet connectivity is essential to commerce, community, and free expression today. A modern political party cannot fully participate in the political

process without internet access. Fundraising, organizing, and communicating with party members and voters requires the use of these services. Therefore, it is my conclusion that a building fund may use donations to make monthly or bimonthly payments for internet connection and internet services for the principal headquarters building.

The opinion will be filed with the Codifier of Rules to be published unedited in the North Carolina Register.

Sincerely,

A handwritten signature in black ink that reads "Karen Brinson Bell". The signature is written in a cursive, flowing style.

Karen Brinson Bell  
Executive Director  
State Board of Elections

Cc: Ashley B. Snyder, Codifier of Rules

Notice of Application for a new Innovative Approval of a Wastewater System for On-site Subsurface Use

Pursuant to NCGS 130A-343(g), the North Carolina Department of Health and Human Services (DHHS) shall publish a Notice in the NC Register that a manufacturer has submitted a request for approval of a modification of a wastewater system, component, or device for on-site subsurface use. The following application has been submitted to DHHS:

Application by: Jeanne Allen  
Infiltrator Water Technologies  
PO Box 768  
Old Saybrook, CT 06475

For: Modifications to the Innovative Approval for the Advanced Enviro-Septic System

DHHS Contact: Wilson Mize  
919-270-9665  
Fax: 919-845-3973  
[wilson.mize@dhhs.nc.gov](mailto:wilson.mize@dhhs.nc.gov)

These applications may be reviewed by contacting the applicant or Wilson Mize, Branch Head, at 5605 Six Forks Rd, Raleigh, NC, On-Site Water Protection Branch, Environmental Health Section, Division of Public Health. Draft proposed innovative approvals and proposed final action on the application by DHHS can be viewed on the On-Site Water Protection Branch web site: <http://ehs.ncpublichealth.com/oswp/>.

Written public comments may be submitted to DHHS within 30 days of the date of the Notice publication in the North Carolina Register. All written comments should be submitted to Wilson Mize, Branch Head, On-site Water Protection Branch, 1642 Mail Service Center, Raleigh, NC 27699-1642, [wilson.mize@dhhs.nc.gov](mailto:wilson.mize@dhhs.nc.gov), or fax 919-845-3973. Written comments received by DHHS in accordance with this Notice will be taken into consideration before a final agency decision is made on the innovative subsurface wastewater system application.

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Fleetwood Homes Inc

Applicant's Address: 740 State Street, Rocky Mount VA 24151

Application Date: 12/19/2023

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Brian Cira- President

Steven Like -SR VP

James Glew-VP

1                   **NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING**

2  
3                                   **NORTH CAROLINA BUILDING CODE COUNCIL**

4  
5 **Notice of Rule-making Proceedings** is hereby given by NC Building Code Council in accordance with  
6 *G.S. 150B-21.5(d)*.

7  
8 **Citation to Existing Rule Affected by this Rule-Making:** *North Carolina Administrative Code and*  
9 *Policies, Building Code, Electrical Code, Energy Conservation Code, Existing Building Code, Fire Code,*  
10 *Fuel Gas Code, Mechanical Code, Plumbing Code and Residential Code amendments.*

11  
12 **Authority for Rule-making:** *G.S. 143-136; 143-138.*

13  
14 **Reason for Proposed Action:** *To incorporate changes in the NC State Building Codes as a result of*  
15 *rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the*  
16 *Council.*

17  
18 **Public Hearing:** *Tuesday, June 11, 2024, 9:00AM, Albemarle Building, 325 North Salisbury Street,*  
19 *Raleigh, NC 27603, 2<sup>nd</sup> Floor Training Room 245. Comments on both the proposed rules and any fiscal*  
20 *impacts will be accepted.*

21  
22 **Comment Procedures:** *Written comments may be sent to David B. Rittlinger, (Interim) Secretary, NC*  
23 *Building Code Council, NC Department of Insurance: Office of the State Fire Marshal, 1429 Rock Quarry*  
24 *Road, Raleigh, NC 27610 (email david.rittlinger@ncdoi.gov). Comments on both the proposed rule and*  
25 *any fiscal impact will be accepted. Comment period expires on July 15, 2024.*

26  
27 **Link to Agency Notice:**  
28 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices>

29  
30 **Statement of Subject Matter:**

31  
32 **1. Request from Phillip Scott of BFPE International to amend the 2024 NC Fire Code, Section 510.1**  
33 **Emergency responder communication coverage in new buildings, Exception #4 as follows:**

34  
35 **Exceptions:**

36 ....

1 ~~4. New buildings 7,500 square feet or less and not more than 1 story above grade plane. One-story~~  
2 ~~buildings not exceeding 12,000 square feet with no below-ground area(s).~~

3  
4 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January  
5 1, 2025, unless the BCC assigns a delayed effective date.

6  
7 **Reason Given** – This amendment is proposed to protect the NC VIPER ERRCS from increased noise and  
8 interference from BDA systems installed in buildings that the IFC 2024 has deemed undersized. This  
9 amendment will also provide relief to small business owners that are required to have these systems  
10 installed.

11  
12 **Fiscal Statement** – A substantial impact is anticipated. No increase of more than \$80 per dwelling is  
13 anticipated. No impact to federal, state and local government funds is anticipated. A fiscal note is required  
14 by the petitioner but has not been completed as of this notice of hearing.

15  
16 **2. Request from Adam Smith representing Carolina’s Association of RV Parks and Campgrounds to**  
17 **amend the 2023 NC Electrical Code, Section 210.8 Ground-Fault Circuit-Interrupter Protection for**  
18 **Personnel, (F) Outdoor Outlets as follows:**

19  
20 **(F) Outdoor Outlets.** For dwellings, all outdoor outlets, other than those covered in 210.8(A), Exception  
21 No. 1, including outlets installed in the following locations, and supplied by single-phase branch circuits  
22 rated 150 volts or less to ground, 50 amperes or less, shall be provided with GFCI protection:

- 23 • (1) Garages that have floors located at or below grade level
- 24 • (2) Accessory buildings
- 25 • (3) Boathouses

26 If equipment supplied by an outlet covered under the requirements of this section is replaced, the outlet  
27 shall be supplied with GFCI protection.

28 **Exception No. 1:** GFCI protection shall not be required on lighting outlets other than those covered in  
29 210.8(C).

30 **Exception No. 2:** GFCI protection shall not be required for listed HVAC equipment. This exception shall  
31 expire September 1, 2026.

32 **Exception No. 3:** GFCI protection for an RV park pedestal is covered in 551.71(F).

33  
34 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January  
35 1, 2025, unless the BCC assigns a delayed effective date.

36

1 **Reason Given** – For interpretation clarification, NFPA 70 551.71 defines the safe standard for electrical  
 2 supply on a RV park Pedestal.

3  
 4 **Fiscal Statement** – No substantial impact is anticipated. No increase of more than \$80 per dwelling is  
 5 anticipated. No impact to federal, state and local government funds is anticipated. A fiscal note is not  
 6 required.

7  
 8 **3. Request from David Rittlinger representing staff to amend the 2024 edition of the North Carolina**  
 9 **Administrative Code and Policies, Table 202.5 and Appendix C as follows:**

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

Rule Petition Received:	February 1
Standing Committee <del>First</del> Review:	February – <del>March</del> June
Rule Petition Granted for Public <del>Hearing:</del> <del>Hearing</del> (B-items):	March BCC meeting
Notice of Hearing Published:	April NC Register
Hearing <del>Held:</del> Held (C-items):	June BCC public hearing
Standing Committee Final Review:	June – <del>September</del> BCC Standing Committee meeting
Final Rule <del>Adoption:</del> Adoption (D-items):	<del>September</del> June BCC meeting
Rules Review Meeting:	<del>November</del> July or August RRC meeting
Effective:	First day of the month following the month the adopted rule is approved by RRC or a delayed effective date approved by the BCC.

11 Appendix C is edited as follows:

Typical Timeline Example for Adopted Rules	
Rule Petition Received:	February 1
Standing Committee <del>First</del> Review	February - <del>March</del> June
Rule Petition Granted for Public <del>Hearing:</del> Hearing (B-items):	March BCC meeting
Notice of Hearing Published:	April NC Register
Hearing <del>Held:</del> Held (C-items):	June BCC public hearing
Standing Committee Final Review	June – <del>September</del> BCC Standing Committee meeting
Final Rule <del>Adoption:</del> Adoption (D-items):	<del>September</del> June BCC meeting
Rules Review Meeting:	<del>November</del> July or August RRC meeting
Effective:	First day of the month following the month the adopted rule is approved by RRC or a delayed effective date approved by the BCC.

12  
 13 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January  
 14 1, 2025, unless the BCC assigns a delayed effective date.

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**Reason Given** – NC OSFM Code and Interpretations staff has repeatedly heard from stakeholders in the built environment that the code adoption process takes too much time as it seems that petitions sit for long periods of time between NCBCC meetings without any action on them. This petition aims to make the code adoption process more efficient to meet the demands of all stakeholders by speeding up the code adoption time by 90 days without adding additional NCBCC quarterly meetings.

**Fiscal Statement** – No substantial impact is anticipated. No increase of more than \$80 per dwelling is anticipated. No impact to federal, state and local government funds is anticipated. A fiscal note is not required.

**NOTICE:**  
*Appeals and Interpretations of the North Carolina State Building Codes are published online at the following link.*

**<https://www.ncosfm.gov/interpretations>**

**NOTICE:**  
*Amendments of the North Carolina State Building Codes are published online at the following link.*

**<https://www.ncosfm.gov/codes/codes-current-and-past>**

**NOTICE:**  
*Objections and Legislative Review requests may be made to the NC Office of Administrative Hearings in accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.*

**<http://www.ncoah.com/rules/>**

**Note from the Codifier:** The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

**TITLE 11 – DEPARTMENT OF INSURANCE**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Code Officials Qualification Board intends to adopt the rules cited as 11 NCAC 08 .0737-.0741 and amend the rules cited as 11 NCAC 08 .0602, .0706 and .0707.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.ncdoi.gov/insurance-industry/rules-rules-review-and-legislative-reports>

**Proposed Effective Date:** January 1, 2025

**Public Hearing:**

**Date:** June 5, 2024

**Time:** 10:00 a.m.

**Location:** 1429 Rock Quarry Rd., Raleigh, NC 27610

**Reason for Proposed Action:** *The North Carolina Code Officials Qualification board, based on statutory changes to the N.C. Building Code Council creating a new Residential Code Council and input from the regulated public gathered from surveys and feedback sessions prompted proposed amendments.*

*11 NCAC 08 .0602 - Allows probationary certificates to be placed on inactive status without leaving jurisdiction employment.*

*11 NCAC 08 .0706 - Removes occupancy tables for level I, II, and III and trade education and experience requirements. Creates five year grandfather provision and provides for separation of building (commercial) and residential to align with ICC certifications.*

*11 NCAC 08 .0707 - Removes County electrical inspector and allows provision for case by case review.*

*11 NCAC 08 .0737 - Creates new rule for Building Inspector Level I, II, III.*

*11 NCAC 08 .0738 - Creates new rule for Electrical Inspector Level I, II, III.*

*11 NCAC 08 .0739 - Creates new rule for Mechanical Inspector Level I, II, III.*

*11 NCAC 08 .0740 - Creates new rule for Plumbing Inspector Level I, II, III.*

*11 NCAC 08 .0741 - Creates new rule for Fire Inspector Level I, II, III.*

**Comments may be submitted to:** Kyle Heuser, Office of State Fire Marshall, 1202 Mail Service Center, Raleigh, NC 27699-1202; email OSFM.Rulemaking@ncdoi.gov

**Comment period ends:** October 1, 2024

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules

Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

**CHAPTER 08 - ENGINEERING AND BUILDING CODES DIVISION**

**SECTION .0600 - QUALIFICATION BOARD-PROBATIONARY CERTIFICATE**

**11 NCAC 08 .0602 NATURE OF PROBATIONARY CERTIFICATE**

(a) A probationary certificate may be issued as a building inspector, electrical inspector, mechanical inspector, plumbing inspector, or fire inspector as set forth in ~~11 NCAC 08 .0706, without examination,~~ the Rule in this Chapter specific to the type of probationary certificate being sought, to any newly employed or newly promoted ~~code-enforcement~~ code-enforcement official who lacks a standard certificate that covers the new position. A probationary certificate shall be issued for three years ~~only~~ and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in ~~11 NCAC 08 .0706~~ the Rule in this Chapter specific to the type of probationary certificate being sought to qualify for the appropriate standard certificate. A probationary certificate shall authorize the official, during the effective period of the certificate, to hold the position of the type, level, and ~~location~~ jurisdiction specified. A probationary certificate may be placed on inactive status by written request. While on inactive status, the code-enforcement official shall not administer nor enforce the State building code for the probationary certificate held. Once a probationary certificate is placed on inactive status the three-year effective period is tolled. The certificate shall be conditioned on the

applicant's completion of a high school diploma or a high school equivalency certificate and meeting one of the following:

- (1) working under supervision sufficient, as determined by a supporting letter provided for in 11 NCAC 08 .0706(b), to protect the public health and safety;
- (2) possessing a minimum of ~~two years~~ one year of design, construction, or inspection experience working under a certified inspector or under a licensed professional engineer, ~~registered licensed architect, or licensed contractor; contractor, or registered interior designer;~~
- (3) possessing one of the education or experience qualifications listed in 11 NCAC 08 .0706 the Rule in this Chapter specific to the in each area of code enforcement for which the probationary certificate is issued; or
- (4) achieving a minimum score of 70 percent on the probationary prequalification exam administered by the Board making a passing grade of at least 70 percent on courses for certification in building, electrical, fire, mechanical, or plumbing inspection at levels I, II, or III in each area of code enforcement for which the probationary certificate is issued.

(b) A probationary certificate as a residential changeout inspector set forth in 11 NCAC 08 .0734 may be issued to any employed ~~code enforcement~~ code-enforcement official, whose employment can be verified pursuant to 11 NCAC 08 .0734(d)(2), who lacks a standard certificate as a residential changeout inspector and who successfully completes a residential changeout inspections course set forth in 11 NCAC 08 .0734(d)(3). A probationary certificate shall be issued for three years ~~only~~ and shall not be renewed. During the three-year period, the official shall complete the requirements set forth in ~~11 NCAC 08 .0706 the Rules in this Chapter specific to an area of code enforcement~~ to qualify for the appropriate standard certificate. A probationary certificate as a residential changeout inspector shall authorize the official, during the effective period of the certificate, to hold the position set forth in 11 NCAC 08 .0734(a). A probationary certificate may be placed on inactive status by written request. While on inactive status the code-enforcement official shall not administer nor enforce the State building code. Once a probationary certificate is placed on inactive status the three-year effective period is tolled. The probationary certificate shall be conditioned on the applicant's completion of a high school diploma or a high school equivalency certificate and working under the direct supervision of a person who possesses, or persons who collectively possess, standard certificates as an electrical inspector III, mechanical inspector III, and plumbing inspector III or an individual holding a residential changeout inspector certificate and five years of code enforcement experience.

Authority G.S. 143-151.12(2); 143.151.13.

**SECTION .0700 - QUALIFICATION BOARD-STANDARD CERTIFICATE**

**11 NCAC 08 .0706 TYPES AND LEVELS**

**REQUIRED QUALIFICATIONS:**

(a) Qualification Levels

- (1) ~~With respect to all types of code enforcement officials, code-enforcement officials certified by the Board prior to January 1, 2025, those with Level I, Level II, or Level III certificates shall be qualified to inspect and approve only those types and sizes of buildings specified in the following tables, buildings limited by the occupancy classification for Fire inspectors and by the occupancy classification, number of stories and square feet (sf) per floor area of buildings for Building, Electrical, Mechanical, and Plumbing inspectors as shown below. Code-enforcement officials certified for Level I and II shall be authorized to inspect and approve these buildings until December 31, 2030. Standard Level III certificates shall be authorized to inspect and approve these buildings indefinitely.~~

(A) Fire inspectors shall be limited to occupancy classifications, Highrise and plan review as follows except all Levels include Business, Mercantile, Residential and Utility and Miscellaneous:

- (i) Level I. Assembly (limited to 1 story/20,000 sf), Factory Industrial F-2, and Storage S-2. No Highrise or plan review.
- (ii) Level II. Assembly, Educational, Factory Industrial F-1 and F-2, and Storage S-1 and S-2. plan review.
- (iii) Level III. Assembly, Educational, Factory Industrial F-1 and F-2, Hazardous, Institutional, and Storage S-1 and S-2. Highrise and plan review.

(B) Building, Mechanical, Electrical and Plumbing inspectors shall be limited to occupancy classifications, number of stories, and square feet (sf) per floor as follows except for any Level there shall be no number of stories or square footage limit for 1 & 2 family dwellings and townhouses or Utility and Miscellaneous.

- (i) Level I. Single (1) story/7,500 sf, for Assembly, Education, Institutional, and Residential Multi-unit. Single (1) story/20,000 sf, for Business, Factory Industrial, Mercantile, and Storage.

**PROPOSED RULES**

(ii) Single (1) story/3,000 sf, for Hazardous. Level II. Single (1) story/10,000 sf, for Institutional; 20,000 sf, for Assembly, Education, and Hazardous; and, 60,000 sf, for Business, Factory Industrial, and Mercantile. Multi-story: 2 stories, maximum 20,000 sf per floor for Education and

Hazardous. Multi-story: 3 stories, maximum 10,000 sf per floor Institutional; and, unlimited sf Residential Multi-unit. Multi-story: 4 stories, maximum 20,000 sf per floor for Business, Factory Industrial, and Mercantile. Level III. Unlimited stories and sf per floor.

(iii)

(2) ~~Limitation on maximum number of stories and square feet (sf) of floor area of buildings for Building, Electrical, Mechanical, and Plumbing inspectors, Levels I, II, or III:~~

Occupancy Classification	Level I	Level II	Level III
Assembly	1 story/7,500 sf	1 story/20,000 sf	Unlimited
Business	1 story/20,000 sf	1 story/60,000 sf	Unlimited
Multi-story: 4 stories max/20,000 sf per floor			
Education	1 story/7,500 sf	1 story/20,000 sf	Unlimited
Multi-story: 2 stories max/20,000 sf per floor			
Hazardous	1 story/3,000 sf	1 story/20,000 sf	Unlimited
	(See Note)	Multi-story: 2 stories max/20,000 sf per floor	
Factory Industrial	1 story/20,000 sf	1 story/60,000 sf	Unlimited
Multi-story: 4 stories max/20,000 sf per floor			
Institutional	1 story/7,500 sf	1 story/10,000 sf	Unlimited
Multi-story: 3 stories max/10,000 sf per floor			
Mercantile	1 story/20,000 sf	1 story/60,000 sf	Unlimited
Multi-story: 4 stories max/20,000 sf per floor			
Residential			
Multi unit	1 story /7,500 sf	3 stories max/no restriction on floor area	Unlimited
1 & 2 family dwellings, townhouses	Unlimited	Unlimited	Unlimited
Storage	1 story/20,000 sf	1 story/60,000 sf per floor	Unlimited
Multi-story: 4 stories max/20,000 sf per floor			
Utility and Miscellaneous	Unlimited	Unlimited	Unlimited

See the Building Code for Occupancy classifications.

Note: \*Electrical Inspector, Level I shall not be authorized to inspect wiring or equipment in hazardous locations as defined by Article 500 of the National Electrical Code with the exception of service stations and service pumps. With respect to all types of code-enforcement officials newly certified by the Board on or after January 1, 2025, those with Level I, Level II, or Level III certificates are qualified to inspect and approve buildings as follows:

- (A) Level I inspectors shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units subject to the limitations for the type of inspector.
- (B) Level II inspectors shall be qualified to perform code-enforcement official duties for commercial buildings subject to the limitations for the type of inspector.
- (C) Level III inspectors shall be qualified to perform code-enforcement official

(3) ~~Limitation on occupancy classifications of buildings for Fire Inspectors, Levels I, II and III:~~

~~CERTIFICATION LEVELS FOR FIRE INSPECTORS~~  
~~LEVEL I: OCCUPANCY:~~  
~~Business~~  
~~Assembly 1 story, 20,000 sf~~  
~~Mercantile~~  
~~Residential~~  
~~Storage S-2~~  
~~Factory Industrial F-2~~  
~~Utility and Miscellaneous~~  
~~Excluding Highrise \*~~

~~Note: A Level I fire inspector shall not conduct any plan review on any building, highrise or other.~~

~~LEVEL II: OCCUPANCY:~~

~~Everything in Level I  
Assembly unlimited  
Educational  
Factory Industrial F-1  
Storage S-1  
Excluding Highrise \*~~

~~Note: A level II fire inspector is authorized to conduct Plan Review of all occupancies in Level I and II.~~

~~LEVEL III: OCCUPANCY:~~

~~Everything in Levels I and II  
Hazardous  
Institutional  
Highrise  
(Unlimited Occupancies)~~

~~Note: A Level III fire inspector is authorized to conduct Plan Review of all occupancies in Levels I, II and III.~~

\* The term "excluding highrise" is listed because some of the acceptable occupancies for the levels could be located in a highrise building (defined in the Building Code).

(b) Whenever a provision of the Rules in this Section requires a supporting letter (maximum of two per level) from a supervisor, the letter(s) shall be notarized, shall state the supervisor's qualifications (i.e., what type and level of certificate or license the supervisor holds), shall state that the applicant has worked under the supervisor's direct supervision for a specified period of time, and shall recommend certification of the applicant as a specified type and level of inspector upon satisfaction of other required qualifications. The supervisor shall describe the name, floor area, and number of stories of the buildings worked on by the applicant and shall describe the work performed by the applicant.

(c) References in the rules in this Section to professional engineer or licensed engineer means engineers licensed by the North Carolina State Board of Examiners for Engineers and Surveyors pursuant to G.S. 89C. References in the rules in this Section to registered architect means architects licensed by the Board of Architecture pursuant to Chapter 83A of the North Carolina General Statutes. References to licensed building, residential, electrical, heating, plumbing, and fire sprinkler contractors means contractors licensed by the State Licensing Board for General Contractors, the N.C. State Board of Examiners of Electrical Contractors, or the N.C. State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors pursuant to Chapter 87 of the North Carolina General Statutes. References to licensed "building" contractors do not include licensed "residential" contractors. Specialty licenses issued by these occupational licensing boards are not acceptable applicable as prescribed by inspector type and level. Applicants with licenses from other states or countries must provide a copy of their license and documentation that the requirements of the other state are at least

equivalent to the statewide licensing requirements of North Carolina occupational licensing boards.

(d) Whenever a provision of the rules in this Section requires the possession of an occupational license other than those certificates that are issued by the Board, if that license is inactive, the applicant must provide documentation from the appropriate occupational licensing board that the applicant previously held the license and that the license is currently inactive.

(e) Whenever a provision of the rules in this Section requires inspector experience on a minimum number of buildings or systems, the experience must include all the inspections typically performed by an inspector during construction of the building or system. Inspections do not have to be performed on the same building.

(f) Whenever a provision of the rules in this Section requires a high school education or other education and experience qualifications, the Board may approve equivalent qualifications. Whenever a provision of the Rules in this Section requires the possession of a diploma or degree from an accredited college, university, or trade school, accredited shall mean accreditation from a regional accrediting association, for example, Southern Association of Colleges and Schools.

(g) Every applicant for a standard certificate shall:

(1) provide documentation that the applicant possesses a minimum of a high school education or a high school equivalency certificate (~~GED~~); and

(2) provide notarized certification by a city or county manager, clerk, or director of inspection department that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), as an employee of or under contract with that city or county jurisdiction; or provide certification by the head of the Engineering and Building Codes Division of the North Carolina Department of Insurance that the applicant will be performing "code enforcement", as defined in G.S. 143-151.8(a)(3), for a state department or agency; and

(3) make a passing grade of at least 70 percent on a law and administration course administered and taught by a Board approved sponsor; and

~~(3)(4) make a passing grade of at least 70 percent on courses developed by the Board. Successful completion is defined as attendance of a minimum of 80 percent of the hours taught and achieving a minimum score of 70 percent on the course exam. All applicants must successfully complete a law and administration course. Applicants for certification in building, electrical, fire prevention, mechanical, or plumbing inspection at levels Levels I, II, or III must successfully complete a course in that area and level (or a higher level) unless exempted by 11 NCAC 08 .0707.~~ For the purpose of entry into the state examination, courses must be completed within five years of the exam in Subparagraph ~~(g)(4)~~(g)(5) of this Rule. These

courses shall be administered and taught ~~in~~ by the North Carolina Department of Insurance and the N.C. Community College System and other educational agencies accredited by a regional accrediting association; for example, Southern Association of Colleges and Schools; and

- (4)(5) ~~achieve~~ make a passing grade of 70 percent on the ~~written state~~ written state examination administered by the Board ~~in for~~ for each ~~inspector type and~~ inspector type and level of certification unless exempt by 11 NCAC 08.0707.

~~(h) Building Inspector, Level I. A standard certificate, building inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:~~

- (1) ~~a one year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;~~
- (2) ~~a four year degree from an accredited college or university;~~
- (3) ~~at least six months of building inspection experience with a probationary Level I building inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified building inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;~~
- (4) ~~at least one year of building design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed building contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;~~
- (5) ~~a license as a building contractor;~~
- (6) ~~at least two years of building construction or inspection experience while working under a licensed building contractor;~~
- (7) ~~at least two years of experience with a probationary Level I building inspection certificate inspecting building construction on a minimum of two Level I buildings;~~
- (8) ~~at least two years of experience as an owner, manager or supervisor of a residential construction company and who has a license as a residential contractor and who has construction experience on a minimum of two Level I buildings (this does not include a business partner providing monetary backing for the company); or~~
- (9) ~~at least two years of construction experience as a subcontractor or employee of a residential contractor in the building trades or work in building construction on a minimum of two~~

~~Level I buildings and under the direct supervision of a licensed residential contractor who at that time had at least three years of experience.~~

~~(i) Building Inspector, Level II. A standard certificate, building inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:~~

- (1) ~~a license as a professional engineer or registered architect;~~
- (2) ~~a four year degree from an accredited college or university in architecture, civil or architectural engineering, or building construction;~~
- (3) ~~a four year degree from an accredited college or university and at least two years of design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, registered architect, or intermediate or unlimited licensed building contractor;~~
- (4) ~~a two year degree from an accredited college or university in architecture, civil or architectural engineering, or building construction and at least two years of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, registered architect, or intermediate or unlimited licensed building contractor;~~
- (5) ~~an intermediate or unlimited license as a building contractor with building construction experience on a minimum of two Level II buildings;~~
- (6) ~~at least three years of building inspection experience including one year of inspection experience with a probationary Level II building inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;~~
- (7) ~~at least three years of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed intermediate or unlimited building contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or~~
- (8) ~~at least two years of experience with a probationary Level II building inspection certificate inspecting construction of a minimum of two Level II buildings.~~

(j) ~~Building Inspector, Level III. A standard certificate, building inspector, Level III, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:~~

- ~~(1) a license as a professional engineer or registered architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;~~
- ~~(2) a four year degree from an accredited college or university in architecture, civil or architectural engineering, or building construction and at least one year of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed engineer, registered architect, or licensed unlimited building contractor, at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;~~
- ~~(3) a two year degree from an accredited college or university in architecture, civil or architectural engineering or building construction and at least three years of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed engineer, registered architect, or licensed unlimited building contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;~~
- ~~(4) an unlimited license as a building contractor with experience on a minimum of two Level III buildings;~~
- ~~(5) at least four years of inspection experience including one year of building inspection experience with a probationary Level III building inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified building inspector III, with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;~~
- ~~(6) at least four years of building design, construction, or inspection experience while working under the direct supervision of a licensed engineer, registered architect, or licensed unlimited building contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or~~
- ~~(7) at least one year of experience with a probationary Level III building inspection~~

~~certificate inspecting the construction of a minimum of two Level III buildings.~~

(k) ~~Electrical Inspector, Level I. A standard certificate, electrical inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:~~

- ~~(1) a one year diploma in electrical construction from an accredited college or an equivalent apprenticeship or trade school program in electrical construction;~~
- ~~(2) a four year degree from an accredited college or university;~~
- ~~(3) at least six months of electrical inspection experience with a probationary Level I electrical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified electrical inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;~~
- ~~(4) at least one year of electrical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer or licensed electrical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;~~
- ~~(5) a restricted (one family dwelling) license or license as an electrical contractor;~~
- ~~(6) at least two years of electrical installation or inspection experience while working under a licensed electrical contractor; or~~
- ~~(7) at least two years of experience with a probationary Level I electrical inspection certificate inspecting electrical installations on a minimum of two Level I buildings.~~

(l) ~~Electrical Inspector, Level II. A standard certificate, electrical inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:~~

- ~~(1) a license as a professional engineer;~~
- ~~(2) a four year degree from an accredited college or university in electrical engineering or electrical construction;~~
- ~~(3) a four year degree from an accredited college or university and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;~~
- ~~(4) a two year degree from an accredited college or university in electrical engineering or electrical construction and at least two years of electrical design, construction, or inspection experience~~

on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;

- (5) an intermediate or unlimited license as an electrical contractor with experience on a minimum of two Level II buildings;
- (6) at least three years of electrical inspection experience including one year of inspection experience with a probationary Level II electrical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (7) at least three years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer or licensed intermediate or unlimited electrical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (8) at least two years of experience with a probationary Level II electrical inspection certificate inspecting electrical installations on a minimum of two Level II buildings.

(m) Electrical Inspector, Level III. A standard certificate, electrical inspector, Level III, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in electrical engineering;
- (2) a four year degree from an accredited university in electrical engineering or electrical construction and at least one year of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed engineer, or licensed unlimited electrical contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) a two year degree from an accredited college or university in electrical engineering or electrical construction and at least three years of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed engineer, or licensed unlimited electrical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;

- (4) an unlimited license as an electrical contractor with experience on a minimum of two Level III buildings;
- (5) at least four years of electrical inspection experience including one year of inspection experience with a probationary Level III electrical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified electrical inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (6) at least four years of electrical design, construction, or inspection experience while working under the direct supervision of a licensed engineer or licensed unlimited electrical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (7) at least one year of experience with a probationary Level III electrical inspection certificate inspecting the electrical installations of a minimum of two Level III buildings.

(n) Mechanical Inspector, Level I. A standard certificate, mechanical inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a one-year diploma in mechanical construction from an accredited college or an equivalent apprenticeship or trade school program in mechanical construction;
- (2) a four year degree from an accredited college or university;
- (3) at least six months of mechanical inspection experience with a probationary Level I mechanical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified mechanical inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (4) at least one year of mechanical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer or licensed Class I mechanical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (5) an H 1, H 2, or H 3 Class I license as a mechanical contractor;
- (6) at least two years of mechanical installation or inspection experience while working under a

~~Class I H 1, H 2, or H 3 licensed mechanical contractor; or~~

- ~~(7) at least two years of experience with a probationary Level I mechanical inspection certificate inspecting mechanical installations a minimum of two Level I buildings.~~

~~(o) Mechanical Inspector, Level II. A standard certificate, mechanical inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:~~

- ~~(1) a license as a professional engineer;~~
- ~~(2) a four year degree from an accredited college or university in mechanical engineering or mechanical construction;~~
- ~~(3) a four year degree from an accredited college or university and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed engineer, or licensed Class I mechanical contractor;~~
- ~~(4) a two year degree from an accredited college or university in mechanical engineering or mechanical construction and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed engineer, or licensed Class I mechanical contractor;~~
- ~~(5) an H 1, H 2, or H 3 Class I license as a mechanical contractor with experience on a minimum of two Level II buildings;~~
- ~~(6) at least three years of mechanical inspection experience including one year of inspection experience with a probationary Level II mechanical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;~~
- ~~(7) at least three years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer or licensed Class I H 1, H 2, or H 3 mechanical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or~~
- ~~(8) at least two years of experience with a probationary Level II mechanical inspection certificate inspecting mechanical installations on a minimum of two Level II buildings.~~

~~(p) Mechanical Inspector, Level III. A standard certificate, mechanical inspector, Level III shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and~~

~~who provides documentation that the applicant possesses one of the following education and experience qualifications:~~

- ~~(1) a license as a professional engineer, with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;~~
- ~~(2) a four year degree from an accredited university in mechanical engineering or mechanical construction and at least one year of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed engineer, or licensed Class I H 1, H 2, and H 3 mechanical contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;~~
- ~~(3) a two year degree from an accredited college or university in mechanical engineering or mechanical construction and at least three years of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed engineer, or licensed Class I H 1, H 2, and H 3 mechanical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;~~
- ~~(4) H 1, H 2, and H 3 Class I licenses as a mechanical contractor with experience on a minimum of two Level III buildings;~~
- ~~(5) at least four years of mechanical inspection experience including one year of inspection experience with a probationary Level III mechanical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified mechanical inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;~~
- ~~(6) at least four years of mechanical design, construction, or inspection experience while working under the direct supervision of a licensed engineer or licensed Class I H 1, H 2, and H 3 mechanical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or~~
- ~~(7) at least one year of experience with a probationary Level III mechanical inspection certificate inspecting the mechanical installations of a minimum of two Level III buildings.~~

~~(q) Plumbing Inspector, Level I. A standard certificate, plumbing inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:~~

- (1) ~~a one-year diploma in plumbing construction from an accredited college or an equivalent apprenticeship or trade school program in plumbing construction;~~
- (2) ~~a four-year degree from an accredited college or university;~~
- (3) ~~at least six months of plumbing inspection experience with a probationary Level I plumbing inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified plumbing inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;~~
- (4) ~~at least one year of plumbing design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;~~
- (5) ~~a Class I license as a plumbing contractor;~~
- (6) ~~at least two years of plumbing installation or inspection experience while working under a licensed Class I plumbing contractor; or~~
- (7) ~~at least two years of experience with a probationary Level I plumbing inspection certificate inspecting plumbing installations a minimum of two Level I buildings.~~

- (5) ~~a Class I license as a plumbing contractor with experience on a minimum of two Level II buildings;~~
- (6) ~~at least three years of plumbing inspection experience including one year of inspection experience with a probationary Level II plumbing inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;~~
- (7) ~~at least three years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or~~
- (8) ~~at least two years of experience with a probationary Level II plumbing inspection certificate inspecting plumbing installations on a minimum of two Level II buildings.~~

~~(s) Plumbing Inspector, Level III. A standard certificate, plumbing inspector, Level III shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:~~

- (1) ~~a license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;~~
- (2) ~~a four-year degree from an accredited university in mechanical engineering or mechanical or plumbing construction and at least one year of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed engineer, or licensed Class I plumbing contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;~~
- (3) ~~a two-year degree from an accredited college or university in mechanical engineering or plumbing construction and at least three years of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed engineer, or licensed Class I plumbing contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;~~
- (4) ~~a Class I license as a plumbing contractor with experience on a minimum of two Level III buildings;~~
- (5) ~~at least four years of plumbing inspection experience including one year of inspection experience with a probationary Level III~~

~~(r) Plumbing Inspector, Level II. A standard certificate, plumbing inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:~~

- (1) ~~a license as a professional engineer;~~
- (2) ~~a four-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction;~~
- (3) ~~a four-year degree from an accredited college or university and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed engineer, or licensed Class I plumbing contractor;~~
- (4) ~~a two-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed engineer, or licensed Class I plumbing contractor;~~

plumbing inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified plumbing inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;

- (6) at least four years of plumbing design, construction, or inspection experience while working under the direct supervision of a licensed engineer or licensed Class I plumbing contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or
- (7) at least one year of experience with a probationary Level III plumbing inspection certificate inspecting the plumbing installations of a minimum of two Level III buildings.

(t) Fire Inspector, Level I. A standard certificate, fire inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a one year diploma in fire science from an accredited college or an equivalent apprenticeship or trade school program in fire science;
- (2) a four year degree from an accredited college or university;
- (3) at least six months of fire inspection experience with a probationary Level I fire inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified fire inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (4) at least one year of fire protection design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed building, electrical, or fire sprinkler contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (5) a license as a fire sprinkler contractor;
- (6) at least two years of construction or inspection experience in fire protection systems while working under a licensed building, electrical, or fire sprinkler contractor;
- (7) at least two years of experience with a probationary Level I fire inspection certificate conducting fire inspections on a minimum of two Level I buildings;
- (8) at least four years of experience in fire suppression activities for a city, county,

volunteer, or other governmental fire department; or

- (9) Firefighter Level II certification under the North Carolina State Fire and Rescue Commission with at least one year of fire inspection experience in Level I buildings.

(u) Fire Inspector, Level II. A standard certificate, fire inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer or registered architect;
- (2) a four year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or fire science;
- (3) a four year degree from an accredited college or university and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III, licensed engineer, registered architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (4) a two year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or fire science and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II building fire protection systems while working under the direct supervision of a certified fire inspector II or III, licensed engineer, registered architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (5) a license as a fire sprinkler contractor with experience on a minimum of two Level II buildings;
- (6) at least three years of fire inspection experience including one year of inspection experience with a probationary Level II fire inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;
- (7) at least three years of fire protection system design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;

- (8) ~~at least two years of experience with a probationary Level II fire inspection certificate conducting fire inspections on a minimum of two Level II buildings; or~~
  - (9) ~~completion of the basic, intermediate, and advanced classes of the North Carolina Fire Prevention School with at least three years of fire inspection experience in Level II buildings.~~
- (v) ~~Fire Inspector, Level III. A standard certificate, fire inspector, Level III, shall be issued to any applicant who complies with Paragraphs (b) through (g) of this Rule and who provides documentation that the applicant possesses one of the following education and experience qualifications:~~
- (1) ~~a license as a professional engineer or registered architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;~~
  - (2) ~~a four year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least one year of fire inspection experience while working under a certified fire inspector III, licensed engineer, registered architect, or licensed fire sprinkler contractor on a minimum of two Level III buildings;~~
  - (3) ~~a two year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least three years of fire protection design, installation, or inspection experience while working under the direct supervision of a certified fire inspector III, licensed engineer, registered architect, licensed unlimited building contractor, or licensed fire sprinkler contractor with at least one year in responsible charge of a minimum of two Level III buildings;~~
  - (4) ~~a license as a fire sprinkler contractor with experience on a minimum of two Level III buildings;~~
  - (5) ~~at least four years of fire inspection experience in fire protection systems including one year of inspection experience with a probationary Level III fire inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified fire inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of this Rule;~~
  - (6) ~~at least four years of fire protection system design, construction, or inspection experience while working under the direct supervision of a licensed engineer, registered architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting~~

- (7) ~~letter from the applicant's supervisor which complies with Paragraph (b) of this Rule; or at least one year of experience with a probationary Level III fire inspection certificate conducting fire inspections on a minimum of two Level III buildings.~~

Authority G.S. 143-151.12(1); 143-151.13.

**11 NCAC 08 .0707 SPECIAL CIRCUMSTANCES**

~~(a) Licensed County Electrical Inspector. Certificates issued pursuant to G.S. 143-151.13(e) shall be for the electrical inspector level corresponding to the level at which the applicant is currently certified.~~

~~(b)(a) Registered Licensed Architect, Licensed General Contractor, Licensed Plumbing or Heating Contractor, Licensed Electrical Contractor, Registered Licensed Professional Engineer. Applicants for certification under G.S. 143-151.13(f) shall successfully complete the Board's prescribed short course, as set out in 11 NCAC 08 .0706(g)(3), concerning State Building Code rules and code enforcement administration prior to being certified. Applicants under this Paragraph shall be currently registered or licensed (as of June 13, 1977) by the State of North Carolina as an architect, a general contractor, a plumbing or heating contractor, an electrical contractor, or a professional engineer to receive certification. The standard certificate shall authorize the person to practice as a qualified ~~code enforcement~~ code-enforcement official of the type and at the performance level determined by the Board to be appropriate, in accordance with ~~11 NCAC 08 .0706~~ the Rule in this Chapter specific to that area of code enforcement, in light of the applicant's education, training, and experience.~~

~~(e)(b) Certified ~~Code Enforcement~~ Code-Enforcement Official From Another State. Pursuant to G.S. 143.151.14(a), the Board may, without requiring an examination, issue a standard certificate to any person who successfully completes the Board's prescribed short course concerning State Building Code rules and code enforcement administration and who holds a currently valid certificate as a qualified ~~code enforcement~~ code-enforcement official from another state or territory whose standards are acceptable to the Board and not lower than those required of North Carolina applicants, under Article 9C of the North Carolina General Statutes and all applicable administrative rules governing ~~Code Enforcement Officials~~ code-enforcement officials.~~

~~(d)(c) Certified ~~Code Enforcement~~ Code-Enforcement Official with International Code Council (ICC) Certification. Applicants for certification pursuant to G.S. 143-151.14(b) shall successfully complete the short course required by G.S. 143-151.14(c) ~~as set out in 11 NCAC 08 .0706(g)(3)~~ concerning State Building Code rules and code enforcement administration.~~

~~(e)(d) Comity Applicants. Comity applicants as set out in in Paragraphs (a), (b) and (c) ~~and (d)~~ of this Rule shall meet the experience requirements specified in ~~11 NCAC 08 .0706~~ the Rule in this Chapter specific to the area and level of code enforcement sought to be eligible for comity consideration. The successful completion of a ~~law and administration course and a standard technical course,~~ course concerning the State Building Code rules and code enforcement administration as set out in 11 NCAC 08 .0706(g)(3), in the area and level of the standard certificate must~~

be completed within three years to maintain any standard certificate issued due to comity. Standard certificates issued under comity shall expire if required courses are not completed within the three-year period.

(e) Applicants may submit other experience in the design, construction, installation or inspection of buildings and electrical, mechanical, plumbing, and fire systems for consideration as other special circumstances meeting the Board's requirements. The Board's Qualification and Evaluation Committee shall consider such experience on a case-by-case basis and make recommendation to the Board.

Authority G.S. 143-151.13; 143-151.14.

**11 NCAC 08 .0737 BUILDING INSPECTOR LEVEL I, II AND III**

(a) A Building Inspector, Level I, (Residential), shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units.

(b) A Building Inspector, Level II, (Commercial), shall be qualified to perform code-enforcement official duties for commercial buildings up to four stories in height except for hazardous and institutional occupancy classifications.

(c) A Building Inspector, Level III, shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure occupancy classification.

(d) Building Inspector, Level I. A standard certificate, building inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following:

- (1) a license as a professional engineer, architect, residential or building contractor or a registered interior designer.
- (2) a one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;
- (3) a two-year degree from an accredited college or university in building construction, electrical, mechanical, or plumbing contracting, construction management or engineering technology
- (4) a four-year degree from an accredited college or university;
- (5) at least six months of residential inspection experience with a probationary Level I building inspection certificate on a minimum of three Level I buildings while working under the direct supervision of a standard certified building inspector I, II, or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (6) at least one year of residential design, construction, or inspection experience on a minimum of three Level I buildings while working under the direct supervision of a

licensed professional engineer, architect, or residential or building contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;

(7) at least two years of residential design, construction or inspection experience while working under a licensed residential contractor;

(8) at least two years of experience as an owner, manager, supervisor, or qualifier of a residential construction company and who has a license as a residential contractor and who has construction experience on a minimum of three Level I buildings (this does not include a business partner providing monetary backing for the company);

(9) at least two years of construction experience as a subcontractor or employee of a residential contractor in the building trades or work in building construction on a minimum of three Level I buildings and under the direct supervision of a licensed residential contractor who at that time had at least three years of experience;

(10) at least one year of experience with a probationary Level I building inspection certificate inspecting residential construction on a minimum of five Level I buildings.

(e) Building Inspector, Level II. A standard certificate, building inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following:

- (1) a license as a professional engineer, architect, building contractor or registered interior designer;
- (2) a one-year diploma in building construction from an accredited college or an equivalent apprenticeship or trade school program in building construction;
- (3) a two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least one year of building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed engineer, architect, or building contractor;
- (4) a four-year degree from an accredited college or university and at least one year of design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified building inspector II or III, licensed professional engineer, architect, or building contractor;

- (5) at least six months of commercial inspection experience with a probationary Level II building inspection certificate on a minimum of three Level II buildings while working under the direct supervision of a standard certified building inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (6) at least one year of commercial design, construction, or inspection experience on a minimum of three Level II buildings while working under the direct supervision of a licensed professional engineer, architect, or building contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (7) at least two years of commercial building inspection experience including one year of inspection experience with a probationary Level II building inspection certificate on a minimum of three Level II buildings while working under the direct supervision of a certified building inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (8) at least two years of commercial building design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed engineer, registered architect, or licensed intermediate or unlimited building contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706; or
- (9) at least one year of experience with a probationary Level II building inspection certificate inspecting construction of a minimum of five Level II buildings.

(f) Building Inspector, Level III. A standard certificate, building inspector, Level III, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer, architect, or unlimited building contractor with design, construction, or inspection experience on a minimum of two Level I, two Level II, and two Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
- (2) a four-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction or construction management and at least one year of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III,

- licensed professional engineer, architect, or unlimited building contractor, at least at the level of supervisor in responsible charge of a minimum of two Level I, two Level II, and two Level III buildings;
- (3) a two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or construction management and at least three years of building design, construction, or inspection experience while working under the direct supervision of a certified building inspector III, licensed professional engineer, architect, or unlimited building contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level I, two Level II, and two Level III buildings;
- (4) at least four years of inspection experience including one year of building inspection experience with a probationary Level III building inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified building inspector III, with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706 and experience inspecting at least two Level I and two Level II buildings;
- (5) at least four years of building design, construction, or inspection experience while working under the direct supervision of a licensed engineer, architect, or unlimited building contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706 and experience inspecting at least two Level I and two Level II buildings; or
- (6) at least one year of experience with a probationary Level III building inspection certificate inspecting the construction of a minimum of two Level III buildings and experience inspecting at least two Level I and two Level II buildings.

Authority G.S. 143-151.13; 143-151.14.

**11 NCAC 08 .0738 ELECTRICAL INSPECTOR LEVEL I, II AND III**

- (a) An Electrical Inspector, Level I, (Residential) shall be qualified to perform code-enforcement official duties for electrical systems that serve individual residential dwelling units and equipment including its accessory structures and equipment, except for those systems described in Paragraph (b) or (c) of this Rule.
- (b) An Electrical Inspector, Level II, (Commercial) shall be qualified to perform code-enforcement official duties for

electrical systems that serve non-residential structures and equipment including common areas of multi-family residential structures, except for those systems described in Paragraph (a) or (c) of this Rule.

(c) An Electrical Inspector, Level III, (Special Systems) shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure and the following special systems:

- (1) Photovoltaic systems
- (2) Electrical power production facilities and equipment with a generating capacity of 5,000 kW or greater.

(d) Electrical Inspector, Level I. A standard certificate, electrical inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following:

- (1) a one-year diploma in electrical construction from an accredited college or an equivalent apprenticeship or trade school program in electrical construction;
- (2) a four-year degree from an accredited college or university;
- (3) at least six months of electrical inspection experience with a probationary Level I electrical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified electrical inspector I or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (4) at least one year of electrical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed electrical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (5) a restricted (one family dwelling) license or license as an electrical contractor;
- (6) at least two years of electrical installation or inspection experience while working under a licensed electrical contractor; or
- (7) at least one year of experience with a probationary Level I electrical inspection certificate inspecting electrical installations on a minimum of two Level I buildings.

(e) Electrical Inspector, Level II. A standard certificate, electrical inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following:

- (1) a license as a professional engineer;
- (2) a four-year degree from an accredited college or university in electrical engineering or electrical construction;

(3) a four-year degree from an accredited college or university and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;

(4) a two-year degree from an accredited college or university in electrical engineering or electrical construction and at least two years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III, licensed engineer, or intermediate or unlimited licensed electrical contractor;

(5) an intermediate or unlimited license as an electrical contractor with experience on a minimum of two Level II buildings;

(6) at least three years of electrical inspection experience including one year of inspection experience with a probationary Level II electrical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified electrical inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;

(7) at least three years of electrical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed intermediate or unlimited electrical contractor with a supporting letter from the applicant's supervisor which complies Paragraph (b) of Rule 11 NCAC 08 .0706; or

(8) at least one year of experience with a probationary Level II electrical inspection certificate inspecting electrical installations on a minimum of two Level II buildings.

(f) Electrical Inspector, Level III. A standard certificate, electrical inspector, Level III, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following:

(1) a license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in electrical engineering;

(2) a four-year degree from an accredited university in electrical engineering or electrical construction and at least one year of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed professional engineer, or licensed unlimited electrical contractor at least at the level of

- supervisor in responsible charge of a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in electrical engineering or electrical construction and at least three years of electrical design, installation, or inspection experience while working under the direct supervision of a certified electrical inspector III, licensed professional engineer, or licensed unlimited electrical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) an unlimited license as an electrical contractor with experience on a minimum of two Level III buildings;
- (5) at least four years of electrical inspection experience including one year of inspection experience with a probationary Level III electrical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified electrical inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (6) at least four years of electrical design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed unlimited electrical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706; or
- (7) at least one year of experience with a probationary Level III electrical inspection certificate inspecting the electrical installations of a minimum of two Level III buildings.

(d) Mechanical Inspector, Level I. A standard certificate, mechanical inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following:

- (1) a one-year diploma in mechanical construction from an accredited college or an equivalent apprenticeship or trade school program in mechanical construction;
- (2) a four-year degree from an accredited college or university;
- (3) at least six months of mechanical inspection experience with a probationary Level I mechanical inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified mechanical inspector I or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (4) at least one year of mechanical design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I mechanical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (5) an H-1, H-2, or H-3 Class I license as a mechanical contractor;
- (6) at least two years of mechanical installation or inspection experience while working under a Class I H-1, H-2, or H-3 licensed mechanical contractor; or
- (7) at least one year of experience with a probationary Level I mechanical inspection certificate inspecting mechanical installations on a minimum of two Level I buildings.

(e) Mechanical Inspector, Level II. A standard certificate, mechanical inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following:

- (1) a license as a professional engineer;
- (2) a four-year degree from an accredited college or university in mechanical engineering or mechanical construction;
- (3) a four-year degree from an accredited college or university and at least two years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed professional engineer, or licensed Class I mechanical contractor;
- (4) a two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least two years of mechanical design, construction, or

*Authority G.S. 143-151.13; 143-151.14.*

**11 NCAC 08 .0739 MECHANICAL INSPECTOR LEVEL I, II AND III**

(a) A Mechanical Inspector, Level I, (Residential), shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Residential Code.

(b) A Mechanical Inspector, Level II, (Commercial) shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Mechanical Code, North Carolina Fuel Gas Code and the North Carolina Energy Conservation Code.

(c) A Mechanical Inspector, Level III, shall be qualified to perform code-enforcement official duties in accordance with the provisions of the North Carolina Residential Code, North Carolina Mechanical Code, North Carolina Fuel Gas Code and the North Carolina Energy Conservation Code for any residential or commercial building or structure.

inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III, licensed professional engineer, or licensed Class I mechanical contractor;

- (5) an H-1, H-2, or H-3 Class I license as a mechanical contractor with experience on a minimum of two Level II buildings;
- (6) at least three years of mechanical inspection experience including one year of inspection experience with a probationary Level II mechanical inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified mechanical inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (7) at least three years of mechanical design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed Class I H-1, H-2, or H-3 mechanical contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706; or
- (8) at least one year of experience with a probationary Level II mechanical inspection certificate inspecting mechanical installations on a minimum of two Level II buildings.

(f) Mechanical Inspector, Level III. A standard certificate, mechanical inspector, Level III shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following:

- (1) a license as a professional engineer, with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;
- (2) a four-year degree from an accredited university in mechanical engineering or mechanical construction and at least one year of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed professional engineer, or licensed Class I H-1, H-2, and H-3 mechanical contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in mechanical engineering or mechanical construction and at least three years of mechanical design, installation, or inspection experience while working under the direct supervision of a certified mechanical inspector III, licensed professional engineer, or licensed

Class I H-1, H-2, and H-3 mechanical contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;

- (4) H-1, H-2, and H-3 Class I licenses as a mechanical contractor with experience on a minimum of two Level III buildings;
- (5) at least four years of mechanical inspection experience including one year of inspection experience with a probationary Level III mechanical inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified mechanical inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (6) at least four years of mechanical design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed Class I H-1, H-2, and H-3 mechanical contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706; or
- (7) at least one year of experience with a probationary Level III mechanical inspection certificate inspecting the mechanical installations of a minimum of two Level III buildings.

*Authority G.S. 143-151.13; 143-151.14.*

**11 NCAC 08 .0740 PLUMBING INSPECTOR LEVEL I, II AND III**

(a) A Plumbing Inspector, Level I, (Residential), shall be qualified to perform code-enforcement official duties for residential buildings up to three stories in height with no more than four dwelling units including fuel gas piping and NFPA 13D residential sprinkler systems.

(b) A Plumbing Inspector, Level II, (Commercial), shall be qualified to perform code-enforcement official duties for commercial buildings up to four stories in height including fuel gas piping.

(c) A Plumbing Inspector, Level III, shall be qualified to perform code-enforcement official duties for any residential or commercial building or structure including fuel gas piping.

(d) Plumbing Inspector, Level I. A standard certificate, plumbing inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following:

- (1) a one-year diploma in plumbing construction from an accredited college or an equivalent apprenticeship or trade school program in plumbing construction;

- (2) a four-year degree from an accredited college or university;
- (3) at least six months of plumbing inspection experience with a probationary Level I plumbing inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified plumbing inspector I or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (4) at least one year of plumbing design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (5) a Class I license as a plumbing contractor;
- (6) at least two years of plumbing installation or inspection experience while working under a licensed Class I plumbing contractor; or
- (7) at least one year of experience with a probationary Level I plumbing inspection certificate inspecting plumbing installations a minimum of two Level I buildings.

(e) Plumbing Inspector, Level II. A standard certificate, plumbing inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following:

- (1) a license as a professional engineer;
- (2) a four-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction;
- (3) a four-year degree from an accredited college or university and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed professional engineer, or licensed Class I plumbing contractor;
- (4) a two-year degree from an accredited college or university in mechanical engineering or mechanical or plumbing construction and at least two years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III, licensed professional engineer, or licensed Class I plumbing contractor;
- (5) a Class I license as a plumbing contractor with experience on a minimum of two Level II buildings;
- (6) at least three years of plumbing inspection experience including one year of inspection

- experience with a probationary Level II plumbing inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified plumbing inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
  - (7) at least three years of plumbing design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;  
or
  - (8) at least one year of experience with a probationary Level II plumbing inspection certificate inspecting plumbing installations on a minimum of two Level II buildings.
- (f) Plumbing Inspector, Level III. A standard certificate, plumbing inspector, Level III shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following:

- (1) a license as a professional engineer with design, construction, or inspection experience on Level III buildings and specialization in mechanical engineering;
- (2) a four-year degree from an accredited university in mechanical engineering or mechanical or plumbing construction and at least one year of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed professional engineer, or licensed Class I plumbing contractor at least at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in mechanical engineering or plumbing construction and at least three years of plumbing design, installation, or inspection experience while working under the direct supervision of a certified plumbing inspector III, licensed professional engineer, or licensed Class I plumbing contractor with at least one year at the level of supervisor in responsible charge of a minimum of two Level III buildings;
- (4) a Class I license as a plumbing contractor with experience on a minimum of two Level III buildings;
- (5) at least four years of plumbing inspection experience including one year of inspection experience with a probationary Level III plumbing inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified plumbing

- inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (6) at least four years of plumbing design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer or licensed Class I plumbing contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706; or
- (7) at least one year of experience with a probationary Level III plumbing inspection certificate inspecting the plumbing installations of a minimum of two Level III buildings.

- (3) at least six months of fire inspection experience with a probationary Level I fire inspection certificate on a minimum of two Level I buildings while working under the direct supervision of a standard certified fire inspector I or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (4) at least one year of fire protection design, construction, or inspection experience on a minimum of two Level I buildings while working under the direct supervision of a licensed professional engineer, licensed architect, or licensed building, electrical, or fire sprinkler contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (5) a license as a fire sprinkler contractor;
- (6) at least two years of construction or inspection experience in fire protection systems while working under a licensed building, electrical, or fire sprinkler contractor;
- (7) at least one year of experience with a probationary Level I fire inspection certificate conducting fire inspections on a minimum of two Level I buildings;
- (8) at least four years of experience in fire suppression activities for a city, county, volunteer, or other governmental fire department; or
- (9) Firefighter Level II certification under the North Carolina State Fire and Rescue Commission with at least one year of fire inspection experience in Level I buildings.

Authority G.S. 143-151.13; 143-151.14.

**11 NCAC 08 .0741 FIRE INSPECTOR LEVEL I, II AND III**

(a) A Fire Inspector, Level I, shall be qualified and limited to perform code-enforcement official duties of permit issuance, field inspection, and enforcement notice of defect for existing building occupancy for Assembly (limited to 1 story, 20,000 sf), Business, Factory Industrial F-2, Mercantile, Residential, Storage S-2, Utility and Miscellaneous. A Fire Inspector Level I shall not include Educational, High-rise, Hazardous, and Institutional occupancy.

(b) A Fire Inspector, Level II, shall be qualified to perform code-enforcement official duties of plan review, permit issuance, field inspection, certificate of compliance and occupancy, change of occupancy and enforcement notice of defect or violation for existing building occupancies and new construction for Assembly, Business, Educational, Factory Industrial, Mercantile, Residential, Storage, Utility and Miscellaneous. A Fire Inspector Level II shall not include High-rise, Hazardous, and Institutional occupancy. As used in this Rule a Level II building occupancy shall mean occupancy limited to Assembly, Educational, Factory Industrial F-1 and Storage S-1.

(c) A Fire Inspector, Level III, shall be qualified to perform code-enforcement official duties of plan review, permit issuance, field inspection, certificate of compliance and occupancy, change of occupancy and enforcement actions for any building occupancy. As used in this Rule a Level III building occupancy shall mean occupancy limited to High-rise, Hazardous, Institutional occupancy.

(d) Fire Inspector, Level I. A standard certificate, fire inspector, Level I, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a one year diploma in fire science from an accredited college or an equivalent apprenticeship or trade school program in fire science;
- (2) a four-year degree from an accredited college or university;

(e) Fire Inspector, Level II. A standard certificate, fire inspector, Level II, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer or architect;
- (2) a four-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, or fire science;
- (3) a four-year degree from an accredited college or university and at least two years of fire protection design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III, licensed professional engineer, architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (4) a two-year degree from an accredited college or university in architecture, civil or architectural engineering, building construction, construction management or fire science and at least two years of fire protection design, construction, or inspection experience on a

- (5) minimum of two Level II building fire protection systems while working under the direct supervision of a certified fire inspector II or III, licensed professional engineer, architect, intermediate or unlimited licensed building contractor, or licensed fire sprinkler contractor;
- (6) a license as a fire sprinkler contractor with experience on a minimum of two Level II buildings;
- (7) at least three years of fire inspection experience including one year of inspection experience with a probationary Level II fire inspection certificate on a minimum of two Level II buildings while working under the direct supervision of a certified fire inspector II or III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (8) at least three years of fire protection system design, construction, or inspection experience on a minimum of two Level II buildings while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (9) at least one year of experience with a probationary Level II fire inspection certificate conducting fire inspections on a minimum of two Level II buildings; or
- (10) completion of the basic, intermediate, and advanced classes of the North Carolina Fire Prevention School with at least three years of fire inspection experience in Level II buildings.

- (4) inspection experience while working under the direct supervision of a certified fire inspector III, licensed professional engineer, architect, licensed unlimited building contractor, or licensed fire sprinkler contractor with at least one year in responsible charge of a minimum of two Level III buildings;
- (5) a license as a fire sprinkler contractor with experience on a minimum of two Level III buildings;
- (6) at least four years of fire inspection experience in fire protection systems including one year of inspection experience with a probationary Level III fire inspection certificate on a minimum of two Level III buildings while working under the direct supervision of a certified fire inspector III with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706;
- (7) at least four years of fire protection system design, construction, or inspection experience while working under the direct supervision of a licensed professional engineer, architect, licensed intermediate or unlimited building contractor, or licensed fire sprinkler contractor, two years of which have been performed at the level of supervisor in responsible charge of a minimum of two Level III buildings with a supporting letter from the applicant's supervisor which complies with Paragraph (b) of Rule 11 NCAC 08 .0706; or
- (8) at least one year of experience with a probationary Level III fire inspection certificate conducting fire inspections on a minimum of two Level III buildings.

(f) Fire Inspector, Level III. A standard certificate, fire inspector, Level III, shall be issued to any applicant who complies with Paragraphs (b) through (g) of Rule 11 NCAC 08 .0706 and who provides documentation that the applicant possesses one of the following education and experience qualifications:

- (1) a license as a professional engineer or architect with design, construction, or inspection experience on Level III buildings and specialization in architecture, civil or architectural engineering, or fire protection engineering;
- (2) a four-year degree from an accredited college or university in civil, architectural, construction management or fire protection engineering and at least one year of fire inspection experience while working under a certified fire inspector III, licensed professional engineer, architect, or licensed fire sprinkler contractor on a minimum of two Level III buildings;
- (3) a two-year degree from an accredited college or university in civil, architectural, or fire protection engineering and at least three years of fire protection design, installation, or

*Authority G.S. 143-151.13; 143-151.14.*

**TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10D .0209, .0243, and .0276.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
*<https://ncwildlife.org/Proposed-Regulations>*

**Proposed Effective Date:** *October 1, 2024*

**Public Hearing:**  
**Date:** *June 26, 2024*  
**Time:** *2:30 p.m.*

**Location:**  
*Zoom Meeting. Registration Required:*

https://ncwildlife-  
org.zoomgov.com/webinar/register/WN\_czkQ0m-  
HSAaZnYKra6u\_4g  
Join by phone: Toll Free (833) 568-8864  
Webinar ID: 161 424 0928

**Reason for Proposed Action:** Buffalo Cove, South Mountains, and Kings Creek Game Lands all have acreage in both the western and northwestern deer zones. The current deer season framework for these game lands is consistent with the western season. Changes to the deer rule adopted as part of the 2024-2025 Annual Cycle shift the western blackpowder and gun season to allow the blackpowder season to begin two Saturdays before Thanksgiving and run for two weeks, and the gun season to begin the Saturday after Thanksgiving and run until January 1. The proposed amendments for these game lands are needed to reflect the newly adopted framework.

**Comments may be submitted to:** Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org

**Comment period ends:** July 15, 2024

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**  
 State funds affected  
 Local funds affected  
 Substantial economic impact (>= \$1,000,000)  
 Approved by OSBM  
 No fiscal note required

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

**SUBCHAPTER 10D - GAME LANDS REGULATIONS SECTION .0200 - USE OF GAME LANDS**

**15A NCAC 10D .0209 BUFFALO COVE GAME LAND IN CALDWELL AND WILKES COUNTIES**

Buffalo Cove game land is a Seven Days per Week Area. The following shall apply:

- (1) The Deer With Visible Antlers ~~season~~ Season for deer consists of the open hunting days from the Monday before begins on the Saturday after Thanksgiving Day through the third Saturday after Thanksgiving. January 1. Deer of either sex Antlered or antlerless deer may be taken with archery equipment ~~on open days~~ beginning the Saturday on or nearest September 10 through the Sunday day immediately preceding the Blackpowder Firearms Season described in this rule and the Sunday immediately following the closing of Blackpowder Firearms Season described in this rule through the Sunday before Thanksgiving Day. Deer with visible antlers may be taken with archery equipment the Sunday immediately following the closing of the Deer With Visible Antlers Season, as described in this Part, through January 1. Rule. Deer of either sex Antlered or antlerless deer may be taken with blackpowder firearms ~~on open days~~ beginning two Saturdays preceding the first day of the open season for Deer With Visible Antlers described in this Rule the Monday on or nearest October 1 through the Saturday of the second week Friday thereafter.
- (2) ~~Deer of either sex Antlered or antlerless deer~~ may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- (3) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15.
- (4) Target shooting is prohibited.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

**15A NCAC 10D .0243 KINGS CREEK GAME LAND IN CALDWELL AND WILKES COUNTIES**

Kings Creek game land is a Six Days per Week Area, in which the following applies:

- (1) The Deer With Visible Antlers ~~season~~ Season for deer consists of the open hunting days from the Monday Saturday before after Thanksgiving Day through the third Saturday after Thanksgiving. January 1. Deer of either sex Antlered or antlerless deer may be taken with archery equipment on open days beginning the Saturday on or nearest September 10 ~~to through the third Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving Day. day immediately preceding the Blackpowder Firearms Season described in the Rule. Deer with visible antlers may be taken with archery~~

~~equipment the Monday immediately following the closing of the Deer With Visible Antlers Season, as described in this Part, through January 1. Deer of either sex Antlered or antlerless deer may be taken with blackpowder firearms on open days beginning the Monday on or nearest October 1 two Saturdays preceding the first day of the open season for Deer With Visible Antlers described in this Rule through the Saturday of the second week Friday thereafter.~~

- (2) ~~Deer of either sex Antlered or antlerless deer may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.~~

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

**15A NCAC 10D .0276 SOUTH MOUNTAINS GAME LAND IN BURKE, CLEVELAND, MCDOWELL, AND RUTHERFORD COUNTIES**

South Mountains game land is a Seven Days per Week Area, in which the following applies:

- (1) ~~The Deer With Visible Antlers season Season for deer begins on the Saturday after consists of the open hunting days from the Monday before Thanksgiving Day through the third Saturday after Thanksgiving. January 1. Deer of either sex Antlered or antlerless deer may be taken with archery equipment on open days beginning the Saturday on or nearest September 10 through the Sunday day immediately preceding the Blackpowder Firearms Season described in this rule and the Sunday immediately following the closing of Blackpowder Firearms Season described in this rule through the Sunday before Thanksgiving Day. Deer with visible antlers may be taken with archery equipment the Sunday immediately following the closing of the Deer With Visible Antlers Season, as described in this Part, through January 1. Rule. Deer of either sex Antlered or antlerless deer may be taken with blackpowder firearms on open days beginning the Monday on or nearest October 1 two Saturdays preceding the first day of the open season for Deer With Visible Antlers described in this Rule through the Saturday of the second week Friday thereafter.~~
- (2) ~~Deer of either sex Antlered or antlerless deer may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.~~
- (3) Horseback riding is prohibited except on designated trails during the following dates:
  - (a) January 2 through March 31;
  - (b) May 16 through August 31;
  - (c) Sundays only - April 1 through May 15; and
  - (d) Sundays only - September 1 through January 1.

- (4) Target shooting is prohibited.
- (5) Camping is restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and posted as camping areas.
- (6) The maximum period of consecutive overnight camping at any posted and designated camping area is 14 days within any 30-day period.

Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.

\*\*\*\*\*

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rule cited as 15A NCAC 10F .0321.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncwildlife.org/Proposed-Regulations>

Proposed Effective Date: October 1, 2024

**Public Hearing:**

Date: June 26, 2024

Time: 2:30 p.m.

Location: Zoom Meeting. Registration Required: [https://ncwildlife-org.zoomgov.com/webinar/register/WN\\_czkQ0m-HSAaZnYKra6u\\_4g](https://ncwildlife-org.zoomgov.com/webinar/register/WN_czkQ0m-HSAaZnYKra6u_4g) Join by phone: Toll Free (833) 568-8864 Webinar ID: 161 424 0928

Reason for Proposed Action: The proposed amendments will establish a no-wake zone along the Town of Surf City waterfront in the waters of Topsail Sound and part of Topsail Creek to mitigate hazards to boater safety, navigation and maneuverability around submerged hazards, and to protect water recreationists in congested waters around busy commercial areas.

Comments may be submitted to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email [regulations@ncwildlife.org](mailto:regulations@ncwildlife.org)

Comment period ends: July 15, 2024

**Procedure for Subjecting a Proposed Rule to Legislative Review:**

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions

concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0321 PENDER COUNTY

(a) Regulated Areas. This Rule ~~shall apply~~ applies to the following waters in Pender County:

- ~~(1)~~ (1) ~~the canal adjoining Olde Point Development in Hampstead;~~
  - (A) the canal adjoining Olde Point Subdivision adjacent to the Intracoastal Waterway (ICW) near 2019 Kings Landing Road; and
  - (B) the waters within 50 yards of the Hampstead Boating Access Area adjacent to the ICW at 613 Lewis Road.
- (2) ~~New Topsail Beach, Town of Topsail Beach:~~
  - (A) the First Finger Canal northeast of Godwin Avenue adjacent to Banks Channel; and Drive in New Topsail Beach;
  - ~~(3)~~(B) ~~Town of Topsail Beach,~~ the waters on the eastern side of Banks Channel within 100 yards of the shoreline beginning 155 yards west of Bush's Marina, extending northeast ending 75 yards from the shoreline perpendicular to Haywood Avenue; Avenue.
- ~~(4)~~(3) ~~Castle Hayne, the~~ The waters of the Northeast Cape Fear River between the U.S. Highway 117 bridge and the railroad trestle 60 yards east of the Castle Hayne Boating Access Area; and Area.
- ~~(5)~~(4) ~~Town of Surf City, City:~~
  - (A) the waters of the channel in Topsail Sound known as Deep Creek, from near its mouth at a point at 34.43199 N, 77.54795 W 34.43208 N, 77.54808 W to its end west of Goldsboro Avenue. Avenue;

(B) the waters of Topsail Sound and Topsail Creek northeast of the channel setback of the ICW, beginning north of the channel setback east of the N.C. Highway 210 Surf City Bridge at a point at 34.42975 N, 77.55213 W, then 550 yards northeastward to a line from the point north of the channel setback at 34.43294 N, 77.54837 W to a point on the island at 34.43327 N, 77.54873 W, then northward including waters of Topsail Sound and a portion known as Topsail Creek to a line from a point on the town shoreline at 34.43425 N, 77.55069 W, to a point on the island at 34.43378 N, 77.55017 W; and

(C) the waters of Topsail Sound southeast of the channel setback of the ICW, beginning south of the channel setback and east of the N.C. Highway 210 Surf City Bridge at a point at 34.42902 N, 77.55200 W including the waters where the Surf City Boating Access Area and Soundside Park are located at 517 Roland Avenue, then 480 yards northeastward to a point south of the channel setback at 34.43167 N, 77.54848 W, adjacent to the mouth of Deep Creek.

(5) Burgaw:

- (A) the waters within 50 yards of the Shelter Creek Boating Access Area on Shelter Creek, at 12380 Shaw Highway;
- (B) the waters within 50 yards of the Sawpit Landing Boating Access Area on the Northeast Cape Fear River, at 527 Whitestocking Road Extension; and
- (C) the waters within 50 yards of the Holly Shelter Boating Access Area on the Northeast Cape Fear River, at 7271 Shaw Highway.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

(c) Placement of Markers. The following agencies shall place markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) ~~The~~ the Board of Commissioners of Pender County for the regulated areas designated in Subparagraphs (a)(1), (2), and (4) of this Rule, Part (a)(1)(A) and (a)(2)(A) of this Rule; and
- (2) the Board of Commissioners of the Town of Topsail Beach for the regulated area designated in Subparagraph (a)(3) Part (a)(2)(B) of this Rule, Rule, and the Board of Commissioners of the Town of Surf City for the regulated area

~~designated in Subparagraph (a)(5) of this Rule shall be the designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.~~

(d) Placement and Maintenance of Markers. The following agencies shall place and maintain markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Commissioners of the Town of Surf City for the markers for the regulated areas designated in Parts (a)(4)(A), (B), and (C) of this Rule; and
- (2) the North Carolina Wildlife Resources Commission for the markers for the regulated areas designated in Parts (a)(1)(B), and (a)(5)(A), (B) and (C) of this Rule.

Authority G.S. 75A-3; 75A-15.

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Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10H .1801-.1803.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncwildlife.org/Proposed-Regulations>

Proposed Effective Date: January 1, 2025

**Public Hearing:**

**Date:** June 26, 2024

**Time:** 1:30 p.m.

**Location:** Zoom Meeting. Registration Required: [https://ncwildlife.org.zoomgov.com/webinar/register/WN\\_dTCeFOtITG-a\\_3h7CwQLmA](https://ncwildlife.org.zoomgov.com/webinar/register/WN_dTCeFOtITG-a_3h7CwQLmA) Join by phone: Toll Free (833) 568-8864 Webinar ID: 161 965 5512

**Reason for Proposed Action:** *The Commission has the authority under G.S. 113-264 to license, regulate, prohibit, or restrict the public as to the use and enjoyment of Commission property and may charge a reasonable fee for access to or use of the property. Because of the increased demand for access and impacts of large user groups, there is a need to regulate and track use by organized entities.*

**Comments may be submitted to:** *Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email [regulations@ncwildlife.org](mailto:regulations@ncwildlife.org)*

**Comment period ends:** July 15, 2024

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives

written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

**SUBCHAPTER 10H – REGULATED ACTIVITIES**

**SECTION .1800 – COMMERCIAL ACTIVITY PERMITTING**

**15A NCAC 10H .1801 GENERAL REQUIREMENTS AND FEES**

(a) The rules in this Section apply to commercial permits issued by the Wildlife Resources Commission.

(b) The use of Wildlife Resources Commission property, as defined by G.S. 113-129, by an individual or business for profit or benefit is unlawful, unless the individual or business using the property for an unlicensed activity first obtains a commercial permit as provided by this Rule.

(c) The following definitions shall apply to all rules in this Section:

- (1) "Benefit" means the exchange of money, goods, services, or the growth or promotion of a business or organization.
- (2) "Commercial activity" means an unlicensed activity for which individuals pay to participate or use equipment and that takes individuals or groups to Commission property for participation in the unlicensed activity, the purpose of which is financial gain or benefit of the commercial business.
- (3) "Commercial business" means any individual or business using Commission property for financial gain or benefit.
- (4) "Commercial permit" means either a commercial use permit or event permit for otherwise unlicensed activities.

- (5) "Commission property" means Wildlife Resources Commission Property as defined in G.S. 113-129(18).
- (6) "Commercial use" means the use of Commission property for financial gain or benefit.
- (7) "Commercial use permit" means a permit that allows for the commercial use of Wildlife Resources Commission property.
- (8) "Event" means an organized gathering of more than 10 people on Commission property where money is exchanged for participation in an unlicensed activity.
- (9) "Event permit" means a permit that allows for the use of Commission property for a one-time event.
- (10) "Unlicensed activity" means any outdoor activity that the Commission does not regulate through a Commission-issued license or permit.

(d) Application for a commercial permit shall be made online at [www.ncwildlife.org](http://www.ncwildlife.org) or at Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include:

- (1) the applicant's name, address, telephone number;
- (2) name of business, company, or organization;
- (3) type of commercial activity or event;
- (4) dates of activity or event;
- (5) locations of commercial activity or event; and
- (6) for event permits, the number of individuals anticipated to partake in the event.

(e) The fee for a commercial use permit shall be \$100.00. The fee for an event permit shall be based on the number individuals participating in the event, including event participants, volunteers, staff, and spectators. The event permit fee schedule is as follows:

- (1) ten to 100 individuals - \$50;
- (2) one hundred and one to 250 individuals - \$100;
- (3) two hundred and fifty-one to 500 individuals - \$150;
- (4) five hundred and one to 1000 individuals - \$200; and
- (5) over 1000 individuals - \$250.

(f) In addition to the commercial permit fee, a fee of \$3.00 per individual participating in the permitted activity on Commission property shall be required and remitted to the Commission no more than 30 days after the event for which the permit was acquired or every other month during the year for which the commercial use permit is valid.

(g) Unless authorized by the Commission, commercial permit holders and their patrons shall not block access or prevent others from entering or exiting any Commission property.

(h) Commercial permits are non-transferable between individuals, businesses, or companies and a separate permit is required for each commercial activity or event.

(i) The Commission may deny permits or issue permit requirements for use of its property based on the time of year, holidays, safety concerns, biological impacts, compatibility of requested activity with intended use of an area or property, failure

to adhere to the conditions set forth in these Rules and Commission planned or sponsored events.

(j) Unless a more limited duration is designated on the permit, a Commercial Use Permit shall be valid from January 1 through December 31 of the same year. An Event Permit shall be valid for the duration of the event and expires at its conclusion.

(k) Records of commercial activities shall be available for inspection by representatives of the Commission upon request and during normal operating hours.

(l) The Executive Director of the Commission or his or her designee may warn, cite, or revoke a permit holder's commercial permit, if the permit holder violates any rules set forth by the Commission in this Subchapter or any conditions of the permit.

*Authority G.S. 113-134; 113-264.*

**15A NCAC 10H .1802 COMMERCIAL USE PERMITS**

(a) A commercial use permit shall be required for commercial activities on Commission property, including but not limited to:

- (1) providing registered and unregistered rental vessels to individuals for use on Commission property;
- (2) leading tours or excursions for unlicensed activities on Commission property;
- (3) dropping off or picking up individuals on Commission property; or
- (4) using Commission property to stage patrons or recreational equipment in preparation for an activity on Commission property.

(b) Individuals holding a commercial use permit shall submit a report to the Commission online at [www.ncwildlife.org](http://www.ncwildlife.org) by the last day of every other month of the year in which their permit is valid. The report shall contain the following information:

- (1) individual's name and name of business, company, or organization;
- (2) permit number; and
- (3) number of individuals participating in activity.

(c) Individuals applying for a commercial use permit as described in 15A NCAC 10H. 1801 shall verify liability insurance in the amount of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in aggregate for commercial activities conducted on Commission property.

(d) Commercial use permittees shall be responsible for removing litter and trash left on Commission property by individuals covered by their permit.

*Authority G.S. 113-134; 113-264.*

**15A NCAC 10H .1803 EVENT PERMITS**

(a) An event permit is required for a commercial business conducting an event on Commission property.

(b) Individuals holding an event permit shall submit a report for the event within 30 days of the conclusion of the event, to the Commission online at [www.ncwildlife.org](http://www.ncwildlife.org) with the following information:

- (1) individual's name and name of business, company, or organization;
- (2) permit number; and
- (3) total number of participants.

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***PROPOSED RULES***

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(c) Individuals applying for an event permit as described in 15A NCAC 10H .1801 shall verify one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in aggregate of liability insurance for commercial events to be conducted on Commission property.

(d) Event permit holders shall be responsible for removing all litter and trash left on Commission property by individuals participating in the event.

*Authority G.S. 113-134; 113-264.*

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**RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission May 29, 2024 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2<sup>nd</sup> business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.*

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**

Jeanette Doran (Chair)  
Jay R. Hemphill  
Jeff Hyde  
Brandon Leebrick  
Bill Nelson

**Appointed by House**

Barbara A. Jackson (1<sup>st</sup> Vice-Chair)  
Randy Overton (2<sup>nd</sup> Vice-Chair)  
Wayne R. Boyles, III  
Jake Parker  
Paul Powell

**COMMISSION COUNSEL**

Brian Liebman	984-236-1948
William W. Peaslee	984-236-1939
Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929

**RULES REVIEW COMMISSION MEETING DATES**

May 29, 2024	July 31, 2024
June 26, 2024	August 28, 2024

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**AGENDA**

**RULES REVIEW COMMISSION**

**Wednesday, May 29, 2024, 10:00 A.M.**

**1711 New Hope Church Rd., Raleigh, NC 27609**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
  1. Home Inspector Licensure Board - 11 NCAC 08 .1101, .1103, .1105, .1107, .1109, .1110, .1116 (Liebman)
  2. Criminal Justice Education and Training Standards Commission - 12 NCAC 09F .0103, .0104, .0105 (Peaslee)
  3. State Board of Education – 16 NCAC 06C .0602 (Ascher)
  4. Board of Examiners in Optometry - 21 NCAC 42D .0102 (Peaslee)
  5. Building Code Council - 2024 North Carolina Energy Conservation Code Section R402, Appendix R1.2.1 (Liebman)
  6. Building Code Council - 2024 NC Building Code (Liebman)
  7. Building Code Council - 2024 NC Existing Building Code (Liebman)
  8. Building Code Council - 2024 NC Fire Code (Liebman)
- IV. Review of Filings (Permanent Rules) for rules filed between March 21, 2024 through April 20, 2024
  1. Private Protective Services Board (Liebman)
  2. Wildlife Resources Commission (Wiggs)
  3. Board of Registration for Foresters (Peaslee)
  4. Medical Board (Peaslee)
  5. Board of Nursing (Peaslee)
  6. Board of Examiners in Optometry (Wiggs)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- VI. Existing Rules Review
  - Readoption
    1. 15A NCAC 05C - Oil and Gas Commission (Ascher)
- VII. Commission Business
  - Closed session, to consult with attorneys regarding CRC v. RRC

- Next meeting: Wednesday June 26, 2024
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**Commission Review  
Log of Permanent Rule Filings  
March 21, 2024 through April 20, 2024**

**PRIVATE PROTECTIVE SERVICES BOARD**

The rules in Chapter 16 are from the Private Protective Services Board and cover organization and general provisions (.0100); licenses and trainee permits (.0200); security guard patrol and guard dog service (.0300); private investigator: electronic countermeasures (.0400); polygraph (.0500); psychological stress evaluator (PSE) (.0600); unarmed security guard registration (.0700); armed security guard firearm registration permit (.0800); trainer certificate (.0900); recovery fund (.1000); training and supervision for private investigator associates (.1100); continuing education (.1300); armed armored car service guards firearm registration permit (.1400); close personal protection (.1500); digital forensics examiner (.1600); and training and supervision for digital forensics examiner (D.F.E) associates (.1700).

Training Requirements for Unarmed Security Guards 14B NCAC 16 .0707  
Amend\*

**WILDLIFE RESOURCES COMMISSION**

The rules in Subchapter 10A cover general WRC practices and procedures including petitions for rulemaking (.0400); declaratory rulemaking (.0500); warning tickets (.1000); waivers (.1100); emergency powers (.1200); wildlife poacher reward fund (.1300); interstate wildlife violator compact (wcv) (.1400); and evidence (.1500).

License Fees 15A NCAC 10A .1601  
Amend\*

The rules in Subchapter 10F cover motorboats and water safety including boat registration (.0100); safety equipment and accident reports (.0200); and local water safety regulations covering speed limits, no-wake restrictions, restrictions on swimming and other activities, and placement of markers for designated counties or municipalities (.0300).

Bladen County 15A NCAC 10F .0304  
Amend\*

Dare County 15A NCAC 10F .0310  
Amend\*

New Hanover County 15A NCAC 10F .0314  
Amend\*

**FORESTERS, BOARD OF REGISTRATION FOR**

The rules in Chapter 20 cover registered foresters. North Carolina forbids the use of the title "Forester," "registered forester," or any other descriptive term including those terms unless the person is registered under this act. It does not forbid the practice of forestry or anything that can be done by a registered forester. Forester means a person who by reason of special knowledge and training is qualified to engage in the practice of forestry, which is defined as giving professional forestry services, including consultation, investigation, evaluation, education, planning, or responsible supervision of any forestry activities requiring knowledge, training, and experience in forestry principles and techniques.

Registration Fees 21 NCAC 20 .0106  
Amend\*

**MEDICAL BOARD**

The rules in Subchapter 32M regulate the approval, registration and practice of nurse practitioners (.0100).

Continuing Education (CE) 21 NCAC 32M .0107

Amend\*

The rules in Subchapter 32R concern Continuing Medical Education (CME) Requirements.

Continuing Medical Education (CME) Required 21 NCAC 32R .0101  
Amend\*

The rules in Subchapter 32S regulate physician assistants including physician assistant registration (.0200).

Continuing Medical Education 21 NCAC 32S .0216  
Amend\*

**NURSING, BOARD OF**

The rules in Chapter 36 include rules relating to general provisions (.0100); licensure (.0200); approval of nursing programs (.0300); unlicensed personnel and nurses aides (.0400); professional corporations (.0500); articles of organization (.0600); nurse licensure compact (.0700); and approval and practice parameters for nurse practitioners (.0800).

Continuing Education (CE) 21 NCAC 36 .0807  
Amend\*

**OPTOMETRY, BOARD OF EXAMINERS IN**

The rules in Subchapter 42E concern mode of practice including responsibility for patients (.0100); ethics (.0200); and unethical practices defined: revocation of license (.0300).

Prescriptions; Dispensing 21 NCAC 42E .0103  
Amend\*