



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

December 6, 2011

Barry Gupton  
332 Chapanoke Road  
Suite 200  
Raleigh, NC 27603

Re: 2012 Fuel Gas Code – 311, 2012 Mechanical Code – 313, 2012 Plumbing Code – 315, 2009 Residential Code – 313.1, 2012 Residential Code – 315

Dear Mr. Gupton:

At its November 17, 2011 meeting the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to these rules based on lack of authority. There is no authority to require carbon monoxide alarms in all the new construction and existing dwellings covered by this rule. The scope or coverage of this rule is too broad. The statutory authority extends to only a "dwellings unit having a fossil-fuel burning heater, appliance, or fireplace, and in any dwelling unit having an attached garage" (G.S. 143-138(b2)). These two rules appear to extend that requirement to all dwellings covered under this portion of the building code, including those who do not have either a fossil-fuel burning heater, appliance, fireplace or an attached garage.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Joseph J. DeLuca, Jr.  
Commission Counsel

JJD:jbe

Administration  
919/431-3000  
fax: 919/431-3100

Rules Division  
919/431-3000  
fax: 919/431-3104

Judges and  
Assistants  
919/431-3000  
fax: 919/431-3100

Clerk's Office  
919/431-3000  
fax: 919/431-3100

Rules Review  
Commission  
919/431-3000  
fax: 919/431-3104

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Division  
919/431-3036  
fax: 919/431-3103

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