

# CHAPTER 1

## ADMINISTRATIVE CODE

### SECTION 101 TITLE AND SCOPE

**101.1 Title.** This document is “The North Carolina Administrative Code and Policies,” hereinafter known as “this code.” Any references to International Codes shall refer to North Carolina State Building Codes.

**101.2 Purpose.** The purpose of this code is to provide for the administration and enforcement of the North Carolina State Building Codes as adopted by the Building Code Council and enforced by State and local code enforcement officials. This code is incorporated by reference into the North Carolina Building, Accessibility, Plumbing, Mechanical, Electrical, Fire Prevention, Fuel Gas, Energy, Existing Buildings, Rehabilitation, and Residential Codes, hereinafter referred to collectively as the “technical codes.” This code is intended to provide for the administrative aspects of each of the technical codes. In this code, the plumbing, mechanical, electrical, fire prevention and gas systems shall be referred to as “service systems.”

#### 101.3 Scope.

**101.3.1 Requirements of other state agencies, occupational licensing boards or commissions.** The North Carolina State Building Codes do not include all additional requirements for buildings and structures that may be imposed by other state agencies, occupational licensing boards or commissions. It shall be the responsibility of a permit holder, design professional, contractor or occupational license holder to determine whether any additional requirements exist.

*Commentary: Many State agencies, occupational licensing boards or commissions have specific design and construction requirements that are not incorporated into the North Carolina State Building Codes and are not enforced by code enforcement officials. Permit holders, design professionals, contractors or occupational license holders should consult with any relevant boards or agencies to determine whether there are any additional construction and design requirements for their projects.*

#### 101.3.2 Technical Codes.

**101.3.2.1 North Carolina Building Code.** The provisions of the Building Code shall apply to the construction, alteration, repair, equipment, use and occupancy, location, movement to another site, removal and demolition, or any appurtenances connected or attached to every building or structure, other than one- or two-family dwellings and townhouses.

**101.3.2.2 North Carolina Accessibility Code.** The provisions of the Accessibility Code shall apply to the construction, alteration, repair, replacement, equipment, appliances, fixtures, fittings and appurtenances of all buildings or structures, other than one- and two-family dwellings and townhouses.

**101.3.2.3 North Carolina Plumbing Code.** The provisions of the Plumbing Code shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances.

**101.3.2.4 North Carolina Mechanical Code.** The provisions of the Mechanical Code shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

**101.3.2.5 North Carolina Electrical Code.** The provisions of the Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances.

**101.3.2.6 North Carolina Fire Prevention Code.** The provisions of the Fire Prevention Code shall apply to the repair, equipment, use, occupancy and maintenance of every existing building or structure, other than one- or two-family dwellings and townhouses. The provisions of the fire prevention code shall apply to the installation of fire protection systems.

**101.3.2.7 North Carolina Fuel Gas Code.** The provisions of the Fuel Gas Code shall apply to the installation of gas piping systems extending from the point of delivery to the inlet connections of equipment served, and the installation and operation of residential and commercial gas appliances and related accessories.

**101.3.2.8 North Carolina Energy Code.** The provisions of the Energy Code shall apply to the thermal envelope of the building and installation of energy systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

**101.3.2.9 North Carolina Existing Buildings Code.** All work on any building that undergoes alterations, repairs, replacement, rehabilitation or change of occupancy shall comply with the Existing Buildings Code or the technical codes for the proposed work.

**101.3.2.10 North Carolina Rehabilitation Code.** All work on any building that undergoes alterations, repairs, replacement, rehabilitation or change of occupancy shall comply with the Rehabilitation Code or the technical codes for the proposed work.

**101.3.2.11 North Carolina Residential Code.** The provisions of the Residential Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.

*Commentary: Exceptions to the technical codes. Note that there are statutory exceptions to the applicability of the technical codes. These exceptions can be found in North Carolina General Statutes (NCGS) § 143-138(b). The exceptions include (1) farm buildings located outside the jurisdiction of any municipality; (2) equipment for storing, handling, transporting and utilizing liquefied petroleum gases for fuel purposes and (3) equipment or facilities, other than buildings, of a public utility, as defined in NCGS § 62-3, or of an electric or telephone membership corporation, including poles, towers and other structures supporting electric or communication lines.*

*Commentary: Farm building means any building that is not open to the general public and is used primarily for a bona fide farm purpose. A bona fide farm purpose includes the production or storage of agricultural products or commodities, including crops, fruits, vegetables, ornamental or flowering plants, dairy, timber, livestock, poultry and all other forms of agricultural products. Farm buildings do not include such buildings used for purposes of education and research.*

**101.3.3 Workmanship.** Workmanship is not within the purview of the technical codes unless specifically stated within the code.

*Commentary: Use of appendices. An appendix is part of the technical codes only when the technical code specifically references that appendix in the body of the technical code. Conversely, appendices that are not referenced in the technical codes are not part of the North Carolina Building Codes. These nonenforceable appendices are provided solely for the convenience of the reader. Each appendix will indicate under its title whether it is enforceable and required as part of the technical code.*

**101.3.4 Appendices.** Provisions in the appendices shall not be enforceable unless specifically incorporated in the technical codes.

**101.3.5 Referenced standards.** Standards referenced in the technical codes shall be considered an integral part of the codes. If specific portions of a standard are denoted by code text, only those specific portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

**101.3.6 Existing buildings.** Additions, alterations, repairs, replacement, rehabilitations or changes of occupancy shall be permitted to any existing structure or service system without requiring the existing systems to comply with all the requirements of the current building codes. All new work shall conform to the requirements of the technical codes for new construction except as modified by either the existing buildings code or the rehabilitation code. For any portion of an existing building or service system that creates a hazard or unsafe condition, the code enforcement official shall determine the extent to which that portion of the existing building or service system is to be upgraded to conform to the requirements of either the existing buildings code, the rehabilitation code or the technical codes.

## SECTION 102 RULE-MAKING TO AMEND THE TECHNICAL CODES

### 102.1 Petition for rule-making.

1. Any person wishing to file a petition requesting the adoption, amendment or repeal of a rule by the Building Code Council shall file a written petition on a form provided by the Building Code Council and 21 copies with the Building Code Council Secretary.
2. The petition shall include the following information:
  - 2.1. Name, address and occupation of petitioner;
  - 2.2. A summary of the proposed action (adoption, amendment or repeal of a rule or rules);
  - 2.3. A draft of the proposed rule or other action;

- 2.4. A complete statement of the reason for the proposed action with supporting documentation;
- 2.5. An identification of the persons or class of persons most likely to be affected by the proposed action; and
- 2.6. An economic impact analysis as required by General Statute §143-138(a).

**102.2 Presiding officer.** The presiding officer at any rule-making hearing shall have control of the proceedings, including: recognition of speakers, time allotments for presentations, the right to question speakers, direction of the discussion and management of the hearing.

**102.3 Record of proceedings.** A record of rule-making proceedings will be available for public inspection during regular office hours at the Building Code Council's office. This record will contain the original petition, if any, the notice, all written memoranda and information submitted, and a record or summary of oral presentations, if any, and, in any case where a proposal was rejected, the reason therefore.

**102.4 Effective date of rules.** Any rules that are adopted by the Building Code Council and approved by the Rules Review Commission shall be effective when the next edition of the relevant technical code is effective as provided in Rule 102.6 unless specified otherwise by the Building Code Council.

**102.5 Interim use of approved rules.** Any rules that are adopted by the Building Code Council and approved by the Rules Review Commission shall be accepted by the Code Enforcement Official as an alternate method of construction prior to the effective date if requested by the owner or owners agent.

**102.6 Effective date of code editions.** The provisions of any code edition which have been approved by both the Building Code Council and the Rules Review Commission shall become effective the first day of January of the following year unless specified otherwise by the Building Code Council.

**SECTION 103  
APPEALS**

**103.1 Form of complaints and other pleadings.**

- 1. There shall be no specific form required for complaints. To be sufficient, a complaint shall be in writing, identify the parties and shall reasonably apprise the Building Code Council of the facts that form the basis of the complaint.
- 2. There shall be no specific form required for answers, motions or other pleadings relating to appeals before the Building Code Council, except they shall be in writing. To be sufficient, the document shall identify the case to which it refers and reasonably apprise the Building Code Council of the matters it alleges, answers or requests. In lieu of submission in writing, motions, requests and other pleadings may be made on the record during the course of the hearing before the Building Code Council.

**103.2 Governing provisions.** Hearings before the Building Code Council shall be governed by the provisions of General Statutes 150B, Article 3A.

**103.3 Presiding officer.** The Building Code Council may designate any of its members to preside over the hearing in a case on appeal. When no designation is made, the chairman of the Building Code Council shall preside, or, in his absence, the vice chairman shall preside. The presiding officer shall rule on motions or other requests made in an appeal case prior to the hearing in that case, except when the ruling on the motion would be dispositive of the case. When the ruling on a motion or request would be dispositive of the case, the presiding officer shall make no ruling and the motion or request shall be determined by a majority of the Building Code Council.

**103.4 Continuances.** The Building Code Council's Secretary may grant the first request for a continuance of a hearing for good cause. Any subsequent requests for continuance may be granted by the chairman of the board. The granting of a continuance is wholly discretionary.

**103.5 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of the technical codes, the Building Code Council shall have the authority to grant modifications for individual cases, after the Building Code Council finds on appeal that (1) special individual reasons, conditions, and/or circumstances exist that makes the strict letter of the technical codes impractical, (2) the modification is in compliance with the intent and purpose of the technical codes, and (3) the modification does not lessen health, accessibility, life, fire-safety or structural requirements.

*Commentary: Limitation on what constitutes practical difficulties. This section is not intended to permit setting aside or ignoring a code provision; rather, it is intended to provide for the acceptance of equivalent protection. Such modifications do not, however, extend to actions that are necessary to correct violations of the code. In other words, a code violation or the expense of correcting a code violation does not necessarily constitute a practical difficulty.*

**SECTION 104  
ADMINISTRATION**

**104.1 North Carolina Department of Insurance, Engineering Division.**

**104.1.1 Document approval.** Construction specifications and drawings, including Appendix B of this code, for buildings specified in Table 104.1 shall be submitted to the Engineering Division of the North Carolina Department of Insurance. The Engineering Division shall grant document approval before a permit is issued on any building listed in Table 104.1.

**TABLE 104.1  
NORTH CAROLINA DEPARTMENT OF INSURANCE,  
ENGINEERING DIVISION DOCUMENT APPROVAL FOR  
NEW CONSTRUCTION AND ADDITIONS**

OCCUPANCY GROUP	BUILDING PLANS TO BE APPROVED
Section 403 – High Rise <sup>1</sup>	All buildings
Section 402 – Covered Mall Buildings <sup>1</sup>	All buildings
City/county owned	All buildings 10,000 sq. ft. or greater as required by G.S. §58-31-40
State Owned	All buildings as required by G.S. §58-31-40
Group A <sup>1,2</sup>	Occupant load over 1,000
Group E <sup>1</sup>	Over 2 stories or over 20,000 sq. ft./story
Group H <sup>1</sup>	Occupant load over 100
Group I <sup>1</sup>	Over 3 stories or over 10,000 sq. ft./story
Group R <sup>1</sup>	Over 4 stories or over 100 units/building
For SI: 1 square foot = 0.0929 m <sup>2</sup> . 1. Plans and specifications are not required by the Engineering Division on buildings, except city/county owned, that are located in a city or county inspection jurisdiction approved to perform plans review. 2. Except temporary bleachers.	

*Commentary: The square footage listed above refer to the footprint of a new building or building addition.*

*The occupant loads refer to a new building or building addition area only.*

*For the purpose of this table only, the occupant load for a church is based on the occupant load of the Occupant Group A-3 main meeting area. If the A-3 area is over 1,000 occupants, then DOI plan review is required unless exception 2 applies.*

*General Statute 58-31-40 indicates that such city/county-owned buildings must be greater than 10,000 square feet (929 m<sup>2</sup>) of new or additional building footprint to require DOI review. The 10,000 square feet (929 m<sup>2</sup>) applies to individual structures on the site and not the sum of the structures.*

**104.1.2 Local plan review approval.**

1. An inspection department may make a written request to the Building Code Council to review plans and specifications on buildings listed in Table 104.1 This authority shall be granted provided that the inspection department is adequately staffed by code enforcement officials with Standard Level III Certificates issued by the North Carolina Code Officials Qualification Board in all areas.
2. Local inspection departments approved under this section shall be listed on the Department of Insurance web page, or a list shall be provided by the Building Code Council Secretary.

**SECTION 105  
ALTERNATE MATERIAL, DESIGN OR METHODS**

**105.1 Approval.** The provisions of this code are intended to allow the use of any alternate material, design or method of construction, provided that the alternate has been approved by the code enforcement official. An alternative material, design or method of construction shall be approved where the code enforcement official finds that the proposed alternative material, design or method of construction complies with the intent and provisions of the technical codes.

*Commentary: The technical codes are not intended to inhibit innovative ideas or technological advances. A comprehensive regulatory document, such as the North Carolina Building Codes, cannot envision and then address all future innovations in the industry. As a result, a performance code must be applicable to and provide a basis for the approval of an increasing number of newly developed, innovative materials, systems and methods for which no code text or referenced standards yet exist. The fact that a material, product or method of construction is not addressed in the technical codes is not an indication that such material, product or method is intended to be prohibited. The code enforcement official is expected to apply sound technical judgment in accepting materials, systems or methods that, while not anticipated by the drafters of the current code text, can be demonstrated to offer equivalent performance. By virtue of its text, the code regulates new and innovative construction practices while addressing the relative safety of building occupants. The code enforcement official is responsible for determining if a requested alternative provides the equivalent level of protection of public health, safety and welfare as required by the code.*

**105.2 Tests or analysis.** Whenever there is insufficient evidence of compliance with the provisions of the technical codes, or evidence that a material, design or method does not conform to the requirements of the technical codes, or in order to substantiate claims for an alternative material, design or method, the code enforcement official shall have the authority to require tests as evidence of compliance to be made at no expense to the authority having jurisdiction. Test methods shall be as specified in the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the code enforcement official shall approve the testing procedures.

**SECTION 106  
PERMITS**

**106.1 Permit required.** A current permit is required for all work described in the technical codes unless specifically exempted by the North Carolina General Statutes or the technical codes.

*Commentary: Reference North Carolina General Statutes §153A-357 and §160A-417 for exemptions.*



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To utilize this procedure, the permit holder must continue to schedule all inspections normally required for this work by the inspection department. The registered design professional shall provide weekly reports bearing his seal to the inspection department indicating that the placement of the related construction elements, components and systems either complies or does not comply with the approved permit documents. Any change from the permit documents shall be approved by the code enforcement official prior to its implementation. The permit holder shall immediately inform the code enforcement official if he or she terminates his or her relationship with the registered design professional.