

CHAPTER 2

ADMINISTRATIVE POLICIES

SECTION 201 SCOPE

201.1 Scope. Chapter 2 is provided as procedural policies. Items discussed in this chapter are intended as commentary to the General Statutes.

SECTION 202 BUILDING CODE COUNCIL

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202.1 Duties. The Building Code Council has the following duties:

1. Prepare and adopt the North Carolina Building Code;
2. Revise or amend the code;
3. Hear appeals from decisions of state enforcement agencies as to any matter related to the code;
4. Make a thorough and continuing study of the manner of enforcement of the code and building laws;
5. Make recommendations to State agencies about any changes in administrative practices which could improve the enforcement of the code or building laws; and
6. Recommend to the General Assembly statutory changes to simplify and improve the building laws.

(General Statutes 143-138, 143-140 and 143-142)

202.2 Composition. The Building Code Council shall consist of 17 members appointed by the governor as follows:

1. and 2. two registered architects;
3. One licensed general contractor;
4. One licensed general contractor specializing in residential construction;
5. One licensed general contractor specializing in coastal residential construction;
6. One licensed engineer practicing structural engineering;
7. One licensed engineer practicing mechanical engineering;
8. One licensed engineer practicing electrical engineering;
9. One licensed plumbing and heating contractor;
10. One municipal or county building inspector;
11. One representative of the public who is not a member of the building construction industry;
12. One licensed electrical contractor;
13. One licensed engineer on the engineering staff of a State agency charged with approval of plans of State-owned buildings;
14. One representative of the fire services;

15. One licensed liquid petroleum gas dealer/contractor involved in the design of natural and liquified petroleum gas systems who has expertise and experience in natural and liquid petroleum gas piping, venting and appliances;
16. One municipal elected official or city manager; and
17. One county commissioner or county manager.

(General Statute 143-136)

202.3 Officers and committees. The Building Code Council shall elect a chairman and vice chairman from its appointed members. The officers shall serve for a period of two years from the date of election or until their successors are elected. The Building Code Council shall appoint a person to serve as secretary to the Building Code Council from the Engineering Division of the Department of Insurance.

(General Statute 143-137)

202.4 Meetings. The Building Code Council shall meet at least every 6 months. Special meetings may be called by the chairman. Any seven members of the Building Code Council shall constitute a quorum. Information concerning the exact time and place of each meeting shall be made available from the Engineering Division of the Department of Insurance 15 days prior to each such meeting. Agenda items, other than proposed amendments, must be submitted to the Building Code Council Secretary 21 days prior to the scheduled meeting.

(General Statute 143-137)

202.5 Proposed amendments. The Building Code Council may revise or amend the code, either on its own motion or upon application from any person, state agency or political subdivision of the state. Each request to amend the code shall comply with the following rules adopted by the Building Code Council:

202.5.1 Twenty-one copies of the proposed amendment with supporting documentation shall be filed with the Building Code Council Secretary.

202.5.2 The filing shall be received by the first day of the month prior to the quarterly scheduled meeting date.

202.5.3 Each request shall be legibly printed, typed or copied on a form (see Appendix C) available from the North Carolina Department of Insurance, Building Code Council section and shall contain the following:

1. The proposed amendment must be set forth in full and contain an explicit reference to the affected section or sections of the code;
2. The request shall state the reasons for the proposed amendment with supporting documentation;
3. The proposed amendment shall comply with the standards set forth in General Statute 143-138(c) and reference to the particular standards shall be set forth in the request for the amendment; and

4. The proposed amendment shall contain an economic impact analysis as required by General Statute 143-138(a).

202.5.4 When a request is improperly filed or not in accordance with all the rules listed above, the Building Code Council Secretary shall reject the submittal and notify the applicant of the proper procedure to follow.

202.5.5 Upon the proper filing of a request, the Building Code Council Secretary shall forward one copy of said request to each council member prior to the scheduled meeting date. Persons filing proposed petitions are hereby notified of the place and time of the scheduled hearings. The Building Code Council Secretary shall cause to be published the notice of public hearing as specified in North Carolina General Statutes 143-138(a).

202.5.6 The Building Code Council shall either grant or deny the proposed petition for rule-making at the meeting following receipt of the proposed rule change. The council will take no further action on items that are denied. Granted items may be referred to committee for review.

202.5.7 The Building Code Council may hold a public hearing on granted items at the next quarterly scheduled meeting. The council may take final action on Granted items at the next quarterly scheduled meeting after the public hearing.

Timeline Example

Petition Received:	February 1, 2005
Petition Granted:	March 8, 2005
Notice of Hearing Published:	April 15, 2005
Hearing Held:	June 13, 2005
Committee Review:	July - August 2005
Final Adoption:	September 13, 2005
Rules Review Meeting:	November 17, 2005
Approved:	December 1, 2005

202.6 Publications.

202.6.1 Amendments. The Building Code Council shall print all amendments to the codes, and the amendments shall be available for distribution in accordance with General Statute 143-138(g). Notices and minutes are available either at no charge on the council webpage or by subscription fee.

202.6.2 Council webpage. The minutes and agenda of the Building Code Council may be found on the council webpage located at <http://www.ncbuildingcodes.com>. Click on the desired information topic.

202.6.3 Subscription fees. An annual subscription fee of \$60.00 will be charged, for the agenda and minutes of the Building Code Councils quarterly meetings. A check made payable to the North Carolina Department of Insurance with mailing information shall be forwarded to the Engineering Division, North Carolina Department of Insurance, 322 Chapanoke Road, Suite 200, Raleigh, North Carolina 27603. In addition to this information, subscribers will also

be notified when new amendment packages to the codes become available. One copy of this information will be furnished free of charge to any state trade or professional organization or state licensing board when requested on letterhead.

202.7 Approval of local ordinances. The Building Code Council may approve local regulations governing the fire prevention code. All regulations shall be approved by the Building Code Council in order to be legally effective. Regulations approved by the local governing body, which are found to be more stringent than the fire prevention code and, which are found to regulate activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and are not in conflict with the North Carolina Building Code, shall be approved once reviewed and filed by the Building Code Council. The rules listed in Section 202.5 shall apply for filing a proposed local deviation to the Fire Prevention Code along with the following:

1. Twenty-one copies of the resolution adopted by the governing body requesting the proposed deviation to the fire prevention code.
2. After approval by the Building Code Council, the Building Code Council Secretary shall advise the local governing body and shall retain a copy in the Building Code Council's file as a permanent record.

[General Statute 143-138(e)]

202.8 Committees.

202.8.1 Standing committees. The standing committees shall consist of members of the Building Code Council. The Chairman of the Building Code Council shall appoint the chairmen and members of each committee.

202.8.2 Ad hoc committees. For each code edition, the Chairman shall establish and appoint ad hoc code revision committees and appoint the chairmen. The ad hoc committees shall consider and prepare revisions and amendments to the code volumes. Each ad hoc committee shall consist of members of the Building Code Council, Department of Insurance staff, licensed contractors, and design professionals most affected by the code volume for which the ad hoc committee is responsible and members of the public.

202.8.3 Hearing committee. The chairman may appoint a hearing committee to hear an appeal.

202.9 Appeals.

202.9.1 Engineering division. A written technical interpretation shall be provided as specified in Section 203.1.2.1.2. Any person may appeal in writing an order, decision, or determination pertaining to the code or any state building law by filing written notice with the Commissioner of Insurance or his designee within 10 days after the order, decision or determination. A copy of the appeal shall be furnished to each party.

(General Statutes 143-140, 153A-374 and 160A-434)

202.9.2 Building Code Council. The Building Code Council shall hear appeals from the decisions of state enforcement agencies relating to any matter related to the code. Any person wishing to appeal a decision of a state enforcement

agency to the Building Code Council shall give written notice of appeal as follows:

202.9.2.1 Twenty-one copies including an original of the Notice of Appeal shall be filed with the Building Code Council c/o North Carolina Department of Insurance, Engineering Division, 322 Chapanoke Road, Suite 200, Raleigh, North Carolina 27603, and one copy shall be filed with the state enforcement agency from which the appeal is taken.

202.9.2.2 The Notice of Appeal shall be received no later than thirty days from the date of the decision of the State enforcement agency.

202.9.2.3 The Notice of Appeal shall be legibly printed, typewritten or copied and shall contain the following (See Appendix E):

1. Name, address of the party or parties requesting the appeal.
2. The name of the state enforcement agency, the date of the decision from which the appeal is taken, and a copy of the written decision received from the enforcement agency.
3. The decision from which the appeal is taken shall be set forth in full in the Notice of Appeal or a copy of the decision shall be attached to all copies of the Notice of Appeal.
4. The contentions and allegations of fact must be set forth in full in a clear and concise manner with reference to the sections of the code in controversy.
5. The original Notice of Appeal shall be signed by the party or parties filing appeal.
6. The Notice of Appeal shall be received by the first day of the month prior to the Building Code Council's quarterly scheduled meeting in order to be placed on the agenda for that meeting. The Chairman may schedule a special meeting to hear an appeal.

202.9.2.4 Upon the proper filing of the Notice of Appeal, the Building Code Council Secretary shall forward one copy of the Notice of Appeal to each member of the Building Code Council. The chairman may appoint a Hearing Committee to hear appeals. The Secretary shall send notice in writing to the party or parties requesting an appeal and to the Building Code Council Hearing Committee members at least 15 days prior to the Hearing Committee meeting. A written decision of the Hearing Committee meeting shall be provided to all Building Code Council Members. The actions of the Hearing Committee shall be final, unless appealed to the full Building Code Council in writing within 30 days of the Hearing Committee's action. If a Hearing Committee consists of at least seven council members, it will constitute a quorum of the full council. Further appeals shall be as specified in Section 202.9.3.

202.9.2.5 The Building Code Council shall, upon a motion of the State enforcement agency or on its own motion, dismiss appeals for the following reasons:

1. Not pursued by the appellant or withdrawn;
2. Appeal not filed in accordance with these rules; or
3. Lack of jurisdiction.

202.9.2.6 When the Building Code Council finds that a State enforcement agency was in error in its interpretation of the code, the Building Code Council shall remand the case to the agency with instructions to take such actions as the Building Code Council directs. When the Building Code Council finds on appeal that materials or methods of construction proposed are equivalent to those required by the code, the Building Code Council shall remand the case to the state enforcement agency with instructions to permit the use of such materials or methods of construction. The Building Code Council shall immediately initiate procedures for amending the code to permit the use of such materials or methods of construction.

202.9.2.7 The Building Code Council shall provide a written decision setting forth the findings of fact and the Building Code Council's conclusions to each party or parties filing the appeal and to the State enforcement agency from which the appeal was taken.

202.9.3 Superior court. Whenever any person desires to appeal a decision of the Building Code Council or a decision of a State or local enforcement agency, he may appeal either to the Wake County Superior Court or the superior court of the county in which the proposed building is to be situated in accordance with the provisions of Chapter 150B of the General Statutes.

[General Statute 143-141(d)]

SECTION 203 NORTH CAROLINA DEPARTMENT OF INSURANCE

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203.1 Administration.

203.1.1 Commissioner of Insurance. The Commissioner of Insurance through the Engineering Division shall have general supervision of the administration and enforcement of the North Carolina State Building Code. This includes all sections of the code pertaining to:

1. General building restrictions and regulations;
2. Plumbing;
3. Heating and air conditioning;
4. Electrical systems;
5. Fire protection; and
6. Natural or liquified petroleum gas systems.

[General Statute 143-139 (b)]

203.1.1.1 Investigation of fires. Whenever the Commissioner of Insurance has reason to believe that investigators of fire or fire prevention inspectors are not fulfilling their responsibilities, he or his designee shall take proper steps to have all provisions of the law enforced.

(General Statute 58-2-95)

203.1.1.2 Investigation of premises for dangerous materials. The Commissioner of Insurance or his or her designee shall hear appeals from orders issued by the code enforcement official to remove or remedy combustible materials or inflammable conditions dangerous to any building or premises. The appeal shall be made within 24 hours of issue, not counting weekends or holidays. The commissioner shall cause the complaint to be investigated immediately. The Commissioner or his or her designee may make inspections of the complaint alone or in the company of the code enforcement official. Unless the Commissioner by his or her authority revokes the order of the code enforcement official, the order remains in force and must be complied with by the owner or occupant.

(General Statute 58-79-20)

203.1.1.3 Buildings within primary fire limits. The Commissioner of Insurance or his or her designee shall review all permits to erect, alter, repair or move any wood-frame building or structure within the primary fire district of a municipality. Such permits shall be received and approved by the Inspection Department and approved by the Municipal Council prior to the Commissioner or his or her designee's approval.

(General Statutes 153A-375 and 160A-436)

203.1.2 Engineering Division. The Engineering Division of the Department of Insurance shall serve as staff for the Building Code Council and the Code Official's Qualification Board. The Engineering Division shall work in cooperation with code enforcement officials and provide general supervision in the administration and interpretation of the codes. The staff shall handle correspondence and maintain an accurate and complete record of:

1. All meetings or hearings,
2. Laboratory studies, and
3. Technical work performed by or for the Building Code Council.

All records shall be available for public inspection during regular office hours. All funds for the operation of the Building Code Council shall be appropriated to the Department of Insurance. The Department of Insurance may hire additional staff as may be necessary to handle the work of the Building Code Council with the approval of the council.

[General Statute 143-137(c)]

203.1.2.1 Interpretations.

203.1.2.1.1 Informal interpretations. The Engineering Division shall provide informal interpretations on code-related matters either by e-mail, letter or telephone. These informal interpretations may be accepted by the local code enforcement official or party requesting the interpretation. Either party may request a formal interpretation of the code.

203.1.2.1.2 Formal interpretations. Any person may request in writing a formal interpretation of the code. The request shall be addressed to the Chief Code Consultant for the Department of Insurance.

The request shall be specific and shall reference the code sections in question. All formal interpretations shall be in writing. A formal interpretation shall be binding on all parties unless appealed to the Building Code Council as specified in Section 201.9.2. Formal interpretations determined to be of a general nature may be posted on the department website.

(General Statute 143-140)

203.1.2.2 Appeals. Any person may appeal in writing an order, decision or determination of a code enforcement official pertaining to the code or any state building law. The appeal shall be addressed to the Chief Engineer for the Department of Insurance by filing written notice within 10 days after the order, decision or determination. The appeal shall contain the type and size of the building in question, the location of the building and shall reference the code sections in question. The decision shall be in writing and shall set forth the facts found. The decision rendered shall be based on the technical provisions of the code, public health and safety and shall be construed liberally to those ends. A decision shall be binding on all parties unless an appeal is submitted to the Building Code Council as specified in Section 202.9.2. A copy of the appeal and written decision shall be furnished to each party.

(General Statutes 153A-374 and 160A-434)

**SECTION 204
CITY AND COUNTY GOVERNMENT**

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204.1 General. The powers, duties and responsibilities of the code enforcement official are generally described in the following General Statutes:

1. GS153A-352 for counties, and
2. GS160A-412 for cities.

204.2 Inspection department.

204.2.1 General. The responsibility for administration and enforcement of the code has been allocated to local code enforcement officials under the supervision of State officials as designated within Section 203.

[General Statute 143-139(b)].

204.2.2 Jurisdiction. A municipal inspection department shall have jurisdiction over all areas within the city limits, all extraterritorial areas that the city has jurisdiction pursuant to state laws, and over any areas in which the municipal limits have contracted with another unit of government to perform code enforcement. A county inspection department shall have jurisdiction over all unincorporated areas outside any municipal jurisdiction located within the county, all areas in which a municipality has requested the county to enforce the code, and within the jurisdiction of another unit of government in which the county has contracted to perform code enforcement. A joint inspection department created by two or more units of government shall have the authority to enforce the code in all areas of legal jurisdiction of all units of government supporting the joint department.

(General Statutes 153A-352 and 153A-353 for counties, and 160A-411 and 160A-413 for cities.)

204.2.3 Duties. Inspection departments shall:

1. Receive applications and supporting data for permits;
2. Issue or deny permits;
3. Make all necessary inspections to ensure code compliance;
4. Issue or deny certificates of compliance;
5. Issue or deny certificates of occupancy;
6. Issue stop work orders or orders to correct violations;
7. Maintain adequate records of permits issued or denied, inspections made, corrections ordered and certifications issued; and
8. Take other actions that may be required to adequately enforce the code.

(General Statutes 153A-352 and 160A-412)

204.2.4 Code enforcement official’s qualifications. No state or local government employee shall enforce any provision of the North Carolina State Building Codes who does not possess an appropriate valid certificate issued by the North Carolina Code Official’s Qualification Board as specified in General Statutes 143-151.13, 153A-351.1 and 160A-411.1.

204.2.5 Conflict of interest. Information about conflict of interest for code enforcement officials can be found in General Statutes 153A-355 for counties and 160A-415 for cities.

204.2.6 Right of entry. The code enforcement official shall have the right to enter buildings or premises as described in General Statutes 153A-360 and 153A-364 for counties, and 160A-420 and 160A-421 for cities.

204.2.7 Stop work orders. General Statute 153A-361 authorizes a county code enforcement official to issue stop work orders. General Statute 160A-421 authorizes a city code enforcement official to issue stop work orders. These statutes describe when a stop work order can be issued, how the stop work order is to be issued and how the stop work order may be appealed.

204.2.8 Unsafe building or systems. A county code enforcement official’s authority to condemn an unsafe building is found in General Statute 153A-366. A city code enforcement official’s authority to condemn an unsafe building is found in General Statute 160A-426.

204.3 Permits.

204.3.1 General. No person may commence or proceed with:

1. The construction, reconstruction, alteration, repair, movement to another site, removal or demolition of any building;
2. The installation, extension or general repair of any plumbing system;
3. The installation, extension, alteration or general repair of any heating or cooling equipment system; or

4. The installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment without first securing from the Inspection Department with jurisdiction over the site of the work each permit required by the North Carolina State Building Codes and other State or local law or local ordinance or regulation applicable to the work.

(General Statute 153A-357 and 160A-417)

204.3.2 Validity. In accordance with General Statutes 153A-358 for counties and 160A-418 for cities, a permit expires 6 months, or any lesser time fixed by local ordinances, after the date of issuance if the work authorized by the permit has not been commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit immediately expires. No work authorized by a permit that has expired may be performed until a new permit has been issued.

204.3.3 Changes in work. Work shall not deviate substantially from that described on the permit documents.

204.3.4 Information required. A permit application shall be filed with the Inspection Department on a form furnished for that purpose. The Inspection Department shall make available a list of information which must be submitted with the building permit application, including a complete building code summary (see Appendix B) and a permit application information sheet (see Appendix A).

204.3.5 Design professional seal required. Where the General Statutes require, no permit shall be issued unless the construction documents (drawings and specifications), bear the North Carolina seal of a registered design professional. Construction documents shall include the name and address of the business entity (individual, corporation or partnership) with whom the registered design professional is affiliated. Questions concerning this section should be directed to the North Carolina Board of Architecture or the North Carolina Board of Examiners for Engineers and Land Surveyors.

Exceptions: For permitting purposes, the seal of a registered design professional is not required when the building, structure or project involved is in one of the categories listed below, unless otherwise required pursuant to the provisions of the General Statutes or the technical codes:

1. A family residence, up to eight units attached with grade-level exit, which is not a part of or physically connected with any other buildings or residential units. More than one such set of attached units on a site is determined to be a complex and will require the seal of a registered design professional;
2. A building upon any farm that is for the use of any farmer, unless the building is of such nature and intended for such use as to substantially involve the health or safety of the public;
3. An institutional or commercial building if it does not have a total cost of construction exceeding \$90,000;

4. An institutional or commercial building if the total building area does not exceed 2,500 square feet (2.32 m²) in gross floor area;
5. Alteration, remodeling or renovation of an existing building that is exempt under this section, or alteration, remodeling or renovation of an existing building or building site that does not alter or affect the structural system of the building; change the building's access or exit pattern; or change the live or dead load on the building's structural system. This subdivision shall not limit or change any other exemptions to this chapter or to the practice of engineering under Chapter 89C of the General Statutes.
6. The preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions utilized to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements or exemptions of this chapter.
7. Nothing in this chapter shall be construed to prevent any individual from making plans or data for buildings for himself or herself. This exemption does not apply to plans for places of religious worship.

204.3.5.1 Registered design professional. The registered design professional shall be a registered architect, licensed professional engineer or NICET Level III sprinkler designer legally registered or licensed under the laws of this state.

204.3.6 Contractor license required. When the General Statutes require that general construction, plumbing, mechanical, electrical, fire protection or gas work be performed by an appropriately licensed individual, no permit for such type work shall be issued to an unlicensed person or firm. Additional requirements may be found in General Statutes 87-14, 87-21(e), 87-43.1, 87-58, 153A-134, 153A-357, 160A-194 and 160A-417.

204.3.7 Contractor responsibilities. It shall be the duty of every person who contracts for the installation or repair of a building or service system to comply with State or local rules and regulations concerning licensing. It shall be the contractor's responsibility to conform to the technical codes for all installations or repairs of a building or service system.

204.4 Issuing permits.

204.4.1 Action on permits. In accordance with General Statute 153A-357 for counties and General Statute 160A-417 for cities, the Inspection Department shall examine each application for a permit to determine if it is in compliance with the requirements of the technical codes and other pertinent laws and ordinances. If the inspection department is satisfied that the work described in the application conforms to the requirements of the technical codes and other pertinent laws and ordinances, it shall issue a permit to the applicant. If the application does not conform to the re-

quirements of the technical codes and other pertinent laws and ordinances, the application shall be returned to the applicant with the reasons for refusal stated.

(General Statutes 153A-352, 160A-412 and 160A-417)

204.4.2 Permits for modular construction. Permits shall be required for the installation, connection of units, foundations, utility connections or alterations of buildings or components manufactured off the site and labeled by a third-party agency accredited and listed by the Building Code Council.

204.4.2.1 Third-party certification agencies. Third-party certification agencies shall be accredited and listed by the Building Code Council. Inspection and certification of buildings or components manufactured off the site and labeled by a third-party agency shall be accepted by the inspection department without further inspection. Permits and fees may be required for any installation, connection of units, foundations, utility connections or alterations of such work.

204.5 Conditions of the permit.

204.5.1 Contractor responsibilities. It shall be the duty of every person who contracts for the installation or repair of a building or services system to comply with state or local rules and regulations concerning licensing. It shall be the contractor's responsibility to conform to this code and the technical codes for all installations or repairs of a building or service system. Violations and penalties of these provisions are listed in Sections 204.12 through 204.14 of this code. Additional requirements can be found in General Statutes 87-1 through 87-14.

204.5.2 Permit intent. A permit issued shall be construed as permission to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes. Issuance of a permit shall not prevent the inspection department from requiring correction of errors in plans, construction or violations of this code.

(General Statutes 153A-357 and 160A-417)

204.5.3 Revocation of permits.

204.5.3.1 Misrepresentation of application. The code enforcement official shall revoke, in writing, a permit or approval issued under the provisions of this or the technical codes for:

1. Any substantial departure from the approved application, drawings or specifications;
2. Refusal or failure to comply with the requirements of any applicable State or local laws;
3. Any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

See the North Carolina Fire Prevention Code for other permit revocation requirements.

204.5.3.2 Violation of code provisions. The code enforcement official may revoke a permit upon determination that the work for which the permit was issued is in

violation of, or not in conformity with, the provisions of this or the technical codes.

(General Statute 153A-362, 160A-422)

204.6 Fees.

204.6.1 Fees. A permit shall not be issued until the fees prescribed by the local governing authority have been paid. No amendment to a permit shall be released until the additional fee, if any, has been paid.

(General Statutes 153A-354 and 160A-414)

204.6.2 Work commencing before permit issuance. If any person commences any work on a building or service systems before obtaining the necessary permit, he or she shall be subject to a penalty as established by the local governing body.

(General Statutes 153A-354 and 160A-414)

204.7 Inspections.

204.7.1 Periodic inspections for hazardous or unlawful conditions. The inspection department shall make periodic inspections as specified in General Statutes 153A-364 for counties and 160A-424 for cities.

204.7.2 Required public school inspections. Inspections of schools for fire hazards shall be in accordance with General Statute 115C-525(b).

204.8 Certificate of compliance.

204.8.1 Building occupancy. A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the inspection department has issued a certificate of compliance. The certificate of compliance shall not be issued until all required service systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the inspection department.

(General Statutes 153A-363 and 160A-423)

204.8.2 Certificate of compliance. Upon satisfactory completion of a building, plumbing, mechanical, electrical, fire protection or gas system, or portion thereof, a certificate of compliance shall be issued. The certificate of compliance represents that a structure or system is complete and for certain types of permits is permission granted for connection to a utility system. The certificate of compliance shall not be construed to grant authority to occupy a building.

(General Statutes 153A-363 and 160A-423)

204.8.3 Temporary/partial occupancy. A temporary/partial certificate of compliance may be issued permitting occupancy for a stated period for specific portions of a building or service system that the inspector finds safe for occupancy prior to final completion of the entire building or system.

(General Statutes 153A-363 and 160A-423)

204.8.4 Issuing certificate of occupancy. Upon satisfactory completion of a building and after the final inspection, the inspection department may issue a certificate of occupancy. The certificate of occupancy shall state the occupancy may be safely occupied.

204.8.4.1 Existing buildings. A certificate of occupancy for any existing building may be obtained by applying to the inspection department and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended. Where necessary, the code enforcement official may require detailed drawings and inspections to determine compliance with the applicable codes. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued. The certificate shall state the approved occupancy type.

204.9 Service utilities.

204.9.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the technical codes until approved by the inspection department and a certificate of compliance is issued.

(General Statute 143-143.2)

204.9.2 Temporary connection. The inspection department may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems.

(General Statutes 153A-363 and 160A-423)

204.10 Stop work orders. Whenever a stop order has been issued by an inspection department involving alleged violations of the State Building Codes, the owner or builder may appeal in writing to the Commissioner of Insurance, or his or her designee, within 5 days after the date the order is issued, with a copy of the appeal to the inspection department. No further work may take place in violation of a stop order. The Commissioner, or his or her designee, shall promptly conduct an investigation. The inspection department and the owner or builder shall be permitted to submit relevant evidence for the investigation. The Commissioner of Insurance, or his or her designee, shall provide a written statement of the decision setting forth the facts found, the decision reached and the reasons for the decision. In the event of dissatisfaction with the decision, the person affected shall have the option of appealing as set forth in Section 203.1.2.

(General Statutes 153A-361 and 160A-421)

204.11 Floor loads and occupant loads.

204.11.1 Occupancy. No building shall be occupied for any purpose that will cause the floors to be loaded beyond their safe capacity. It shall be the responsibility of the owner or occupant of any building, where excessive floor loading is likely to occur, to employ a design professional in computing the safe load capacity. The computations shall be filed as a permanent record of the inspection department. The inspection department may permit occupancy of a building when the department is satisfied that the capacity will not be exceeded.

204.11.2 Occupant load posted. When required by the code enforcement official, signs stating the occupant load determined in accordance with occupant load specified in the technical codes shall be posted by the owner of the build-

ing in each assembly room, auditorium or room used for a similar purpose where fixed seats are not installed. The seating capacity shall be determined in accordance with the technical codes and signs posted at locations approved by the code enforcement official. It shall be unlawful to remove or deface such notice or to permit more than this legal number of people within such space. The signs shall read as follows:

"Occupancy by more than _____ persons is
dangerous and unlawful.

_____, CEO*

204.12 Violations. Any person, firm, corporation or agent who violates a provision of this code or the technical codes shall be guilty of a Class 3 misdemeanor. Each person shall be considered guilty of a separate offense for each and every portion thereof during which any violation is committed or continued, for a period of 30 days. Upon conviction of any such violation the person shall be liable to a fine not to exceed \$50.00 for each offense. Any violation incurred more than 1 year after another conviction for violation of the occupancy limits shall be treated as a first offense for the purposes of establishing and imposing penalties.

(General Statute 143-138(h))

204.13 Remedies.

204.13.1 General. In case any building or structure is constructed or its purpose altered so that it becomes in violation of the technical codes, or if the occupancy limits established are exceeded, the code enforcement official may institute any appropriate action or proceedings, including civil remedies, to:

1. Prevent the unlawful erection, construction or reconstruction or alteration of purpose, or overcrowding;
2. Restrain, correct or abate the violation; or
3. Prevent the occupancy or use of the building, structure or land until the violation is corrected.

204.13.2 Fire prevention. Refer to the North Carolina Fire Prevention Code for summary abatement requirements for fire prevention code violations and penalties.

204.14 Code enforcement official not fulfilling responsibilities. When the code enforcement official does not fulfill his responsibilities as specified in Section 204.13, the Commissioner of Insurance or his or her designee may institute any appropriate actions or proceedings available.

(General Statutes 14-230, 14-231, 14-232, 153A-356 and 160A-41)

**SECTION 205
OTHER AGENCIES**

www.sips.state.nc.us (Click on NC Agencies)

205.1 Administration by the North Carolina Department of Labor.

205.1.1 Commissioner of Labor. The Commissioner of Labor shall have general supervision over the Elevator and Amusement Device Division and the Boiler Pressure Vessel Division.

(General Statute 143-139(c))

205.1.2 Elevator and amusement device division. The Elevator and Amusement Device Division shall enforce the provisions of the North Carolina State Building Code that pertain to the operation of:

1. Elevators;
2. Dumbwaiters;
3. Escalators;
4. Moving walks;
5. Personnel hoists;
6. Chair and wheelchair lifts;
7. Manlifts;
8. Special equipment; and
9. Amusement devices.

Exceptions:

1. Devices and equipment located and operated within a single-family residence.
2. Equipment constructed, installed and used exclusively for the movement of materials.
3. Mining equipment covered by either the Federal Mine Safety and Health Act or the Mine Safety and Health Act of North Carolina.

(General Statute 143-139(d)).

205.1.3 Boiler and pressure vessel division. The Boiler and Pressure Vessel Division shall enforce the provisions of Chapter 95 of the General Statutes which pertain to boilers and pressure vessels. The Boiler and Pressure Vessel Division shall not regulate hot water supply boilers equipped with ASME Code and National Board certified safety relief valves, which are fired with oil, gas, or electricity or hot water supply tanks heated by any indirect means which do not exceed any of the following limitations:

1. Heat input of 200,000 btu/hr;
2. Water temperature of 200° F;
3. Nominal water capacity of 120 gallons.

(General Statutes 95-69.10(c), 143-139(c)).