

2018 NC State Administrative Code Amendments

(adopted December 2017 through September 2021)

(Note: includes identified NC Errata)

The North Carolina Codes are available at <https://codes.iccsafe.org/codes/north-carolina> for purchase online or free "view only". Bound hard copies are available for walk-in purchase only at the following location.

NC Department of Insurance, 325 North Salisbury Street, Raleigh, NC 27603
919-647-0029 (call for availability)

The following pages represent a summary of the Building Code Council adopted amendments that have been approved by the Rules Review Commission.

These amendments revise, delete or add to the adopted NC Administrative Code.

2018 NC Administrative Code
106.1 Permit required. (210309 Item B-1)

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~~ Statute 160D-1110 for exceptions.

The delayed effective date of this Rule is January 1, 2021.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

2018 NC Administrative Code
106.2.3 Review and approval. (210309 Item B-1)

106.2.3 Review and approval. When the inspection department issues a permit, it shall approve, in writing or by stamp, all sets of drawings and specifications “Reviewed for Code Compliance”.

Exception: Nothing in this section shall require the review and approval of one- and two-family dwelling plans.

Commentary: Drawings and specifications shall be kept in a manner prescribed by North Carolina General Statutes ~~153A-373 and 160A-433~~ Statute 160D-1126.

The delayed effective date of this Rule is January 1, 2021.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

2018 NC Administrative Code
106.3.1 Information required. (171212 Item B-7)

106.3 Permit Application.

106.3.1 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 that must be submitted with the building permit application, including a complete building code summary (see Appendix A of the Administrative Code and Policies). The Inspection Department's building code summary shall be in the exact format as, and contain only the information in, Appendix B of the Administrative Code and Policies. The Inspection Department shall only modify its building code summary as set forth in section 103.5 Modifications, or as necessary to reflect any changes by the Office of State Fire Marshal to Appendix B that have been approved by the Building Code Council.

The delayed effective date of this Rule is January 1, 2019.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

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2018 NC Administrative Code
106.4 Site Address Signage. (200714 Item B-1)

106.4 Site address signage. It is the responsibility of the permit applicant or designee to post the 911 site address on an active jobsite at the commencement of work regulated by the NC Building Codes. The signage shall be temporary or permanent per 106.4.1 or 106.4.3.

106.4.1 Temporary signage. Signage to identify a construction site location can be temporary. Acceptable temporary signage may include such items as a permit placard, an address written on job box, yard signage or other *approved* temporary method. Temporary street name markers shall be required if permanent street signs are not in place for new developments or subdivisions.

106.4.2 Temporary Signage Location. Address signage shall be placed such that it is legible from the street or road that fronts the property at all times during construction.

106.4.3 Permanent signage. Address signage meeting the requirements of the *International Residential Code* Section R319 for One- and Two-family Dwellings, *International Building Code* Section 501.2 or *International Fire Code* Section 505.1 for commercial buildings shall be deemed as meeting the requirements of this section.

The delayed effective date of this Rule is January 1, 2022.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

November 8, 2021

2018 NC Administrative Code
202.9 Appeals. (210309 Item B-1)

202.9.1 Engineering division. A written technical interpretation shall be provided as specified in Section ~~203.1.2.1.2~~ 203.2.1.2. 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~~ and 160D-1127)

202.9.2.2 The Notice or Appeal shall be received no later than 30 days from the date of the decision of the State enforcement agency. (General Statute 143-141).

The delayed effective date of this Rule is January 1, 2021.

The Statutory authority for Rule-making is G. S. 143-136; 143-138.

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2018 NC Administrative Code
203 North Carolina Department of Insurance. (210309 Item B-1)

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~~ Statute 160D-1128)

203.2.2 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 ~~201.9.2~~ 202.9.2. A copy of the appeal and written decision shall be furnished to each party.

(General Statutes ~~153A-374 and 160A-434~~ Statute 160D-1127)

The delayed effective date of this Rule is January 1, 2021.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

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2018 NC Administrative Code
204 City and County Government. (210309 Item B-1)

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~~ Statute 160D, Article 11.

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~~ 160D-1104 and 160D-1107)

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. Identify technical provisions found to be inconsistent with the inspection;
5. Issue or deny certificates of compliance and 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~~ Statute 160D-1104)

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~~ and 160D-1103.

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~~ Statute 160D-1108.

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~~ 160D-1113 and 160D-1117.

204.2.7 Stop work orders. General Statute ~~153A-361~~ 160D-404 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~~ The statute describes when a stop work order can be issued, and how the stop work order is to be issued, and how the stop work order may be appealed. See Section 204.10 for appeal of stop work orders.

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~~ 160D-1119. ~~A city code enforcement official's authority to condemn an unsafe building is found in General Statute 160A-426.~~

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~~ 160D-1110)

204.3.2 Validity. In accordance with General Statutes ~~153A-358 for counties and 160A-418 for cities~~ Statute 160D-1111, 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.

204.3.6 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~~ 160D-1110.

204.4.1 Action on permits. In accordance with General Statute ~~153A-357 for counties and General Statute 160A-417 for cities~~ 160D-1110, 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 requirements 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~~ 160D-1104 and 160D-1110)

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~~ Statute 160D-1110)

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~~ 160D-1115)

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~~ Statute 160D-402)

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~~ Statute 160D-402)

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~~ Statute 160D-1117.

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~~ Statute 160D-1116)

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~~ Statute 160D-1116)

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~~ Statute 160D-1116)

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~~ Statute 160D-1116)

204.10 Appeal of 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~~ Statute 160D-1114)

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 designee may institute any appropriate actions or proceedings available.

(General Statutes 14-230, 14-231, 14-232, ~~153A-356 and 160A-41~~ 160D-1109)

The delayed effective date of this Rule is January 1, 2021.

The Statutory authority for Rule-making is G. S. 143-136; 143-138.

2018 NC Administrative Code
Chapter 3 Reprint of the General Statutes Pertaining to the Enforcement of the North Carolina State Building Codes. (210309 Item B-1)

CHAPTER 3 REPRINT OF THE GENERAL STATUTES PERTAINING TO THE ENFORCEMENT OF THE NORTH CAROLINA STATE BUILDING CODE

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 and commissions. It shall be the responsibility of a permit holder, design professional, contractor or occupational license holder to determine whether any additional requirements exist.

The current language of the General Statutes may be viewed at www.ncleg.gov.

The following list, while extensive, may not include all applicable General Statutes.

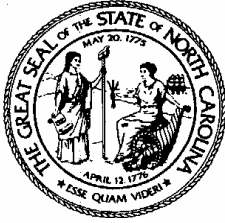
1-539.2 Dismantling portion of building
14-68 Failure of owner of property to comply with orders of public authorities
14-228–232 Misconduct in public office
14-414 Pyrotechnics defined; exceptions
15-27.2 Administrative search and inspection warrants

42 Article 5 Landlord Tenant
58-2-95 Commissioner to supervise local inspectors
58-31-40 Commissioner to inspect state property; plans submitted
58-79-20 Inspection of premises; dangerous material removed
66-23–27 Electrical materials, devices, appliances and equipment
83A-1–13 Architects
87-1–15 General contractors
87-21 Plumbing, heating and fire sprinkler contractor
87-43 Electrical contractors
87-57–58 Refrigeration contractors
89C-3–23 Engineers
95-69 Uniform boiler and pressure vessel act
105-130–151 Accessibility tax credit
106-581.1 Agriculture Defined
115C-525 Public schools
119 Article 5 Liquefied petroleum gases
130A-336–339 Wastewater system construction
133-1–4 Public works
143-135.1 Inspection of state owned buildings
143-136–143 Building Code Council and Building Code
143-141 Appeals to Building Code Council
143-151.8–21 Code officials qualification board
143-151.42 Prohibition of master meters for electric and natural gas service
143-151.43–64 North Carolina home inspector board
150B-18–21 Administrative Procedures Act
~~153A-97–375 Counties~~
~~160A-167–438 Cities~~
160D Article 11 Building Code Enforcement

The delayed effective date of this Rule is January 1, 2021.

The Statutory authority for Rule-making is G. S. 143-136; 143-138.

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APPENDIX E
APPEALS
NORTH CAROLINA
BUILDING CODE COUNCIL
325 North Salisbury Street, Room 5_44
Raleigh, North Carolina 27603
(919) 647-0009

APPEAL TO NCDOI/NCBCC Hearing Date _____/_____/_____
GS 153A-374, GS 160A-434, 160D-1127 GS 143-140, GS 143-141
Formal Interpretation by NCDOI _____ Appeal of Local Decision to NCBCC _____
Appeal of Local Decision to NCDOI _____ Appeal of NCDOI Decision to NCBCC _____

APPELLANT _____ PHONE: (_____) - _____ x _____
REPRESENTING: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
E-MAIL: _____ FAX: (_____) - _____

North Carolina State Building Code, Volume _____ - Section _____

REQUEST ONE: [] Formal Interpretation by NCDOI [] Appeal of Local Decision to NCBCC
[] Appeal of Local Decision to NCDOI [] Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

REASON:

APPEAL TO
NCDOI/NCBCC
Signature: _____ Date: _____ FORM 3/14/17

The delayed effective date of this Rule is January 1, 2021.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

2018 NC Administrative Code
ERRATA – correct as shown

CHAPTER 3
REPRINT OF THE GENERAL STATUTES PERTAINING TO THE ENFORCEMENT OF THE
NORTH CAROLINA STATE BUILDING CODE

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 and commissions. It shall be the responsibility of a permit holder, design professional, contractor or occupational license holder to determine whether any additional requirements exist.

The current language of the General Statutes may be viewed at www.ncleg.gov.

(The remainder of the chapter remains unchanged.)

2018 NC Administrative Code
107.6 Inspections of component or element. (190910 Item B-6)

107.6 Inspections of component or element. Acceptance of inspection of a component or element by a NC registered architect or engineer will require completion of the “Design Professional Inspection Form” found in Appendix G.

The delayed effective date of this Rule is January 1, 2021.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

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APPENDIX G

DESIGN PROFESSIONAL INSPECTION FORM

RECORD OF THE INSPECTION OF A **COMPONENT OR ELEMENT** BY A NC LICENSED ARCHITECT OR ENGINEER

Project Information:

Residential Single-Family Project: Y N	Commercial Project: Y N
Code Enforcement Project No:	Permit No:
Project Name:	Owner:
Project Address:	Suite No:
Date Inspected:	Contractor Name:
Component Inspected:	

Responsible Licensed NC Architect or NC Engineer

Name:			
Firm Name:			
Phone Numbers:	Office:	Mobile:	
Email Address:			
Mailing Address:			

APPLICABLE CODE:

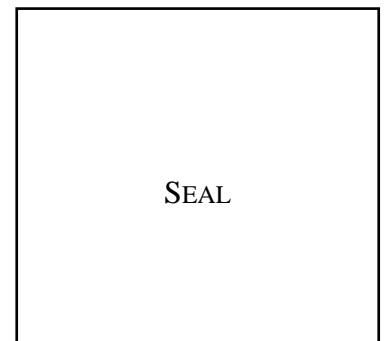
2018 NCBC = 2018 NC Building Code; 2018 NCRC = 2018 NC Residential Code

Describe Element/Component/Type of Inspection: *

*(subgrade form/letter may also be required)

Attestation/Signature:

By signing below, I certify that the component and/or element of the building as identified on this form has been inspected by me or someone under my direct supervision per G.S. 160D-11-6 and is in compliance with the Code or other proposal of the architect or engineer for the project. This inspection is in compliance with all of the requirements of the above referenced code. Attach any additional documents if needed.



Licensed Architect or Engineer

Inspection Department disclaimer:

Upon the receipt of a signed written document as required by G.S. 160D-11-6, Code Enforcement shall be discharged and released from any liabilities, duties and responsibilities imposed by this article or in

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common law from any claim arising out of or attributed to the component or element in the construction of the building for which the signed written document was submitted. Be aware that this inspection will be noted in all inspection records including the Certificate of Occupancy or Certificate of Compliance. This inspection does not address any local ordinances or zoning requirements.

The delayed effective date of this Rule is January 1, 2021.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

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