



Engineering

Wayne Goodwin, Commissioner of Insurance
Rick McIntyre, Assistant State Fire Marshal

April 2, 2015
Gregory E. Wills, P.C.
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6541 Caratoke Highway
Grandy, NC 27939

**RE: 2012 NC Residential Code (NCRC); Section 101.2, Scope; Section 202, Definitions
2012 NC Building Code (NCBC); Section 310.1, Residential Group R
2012 NC Administrative Code (NCAC); Section 101.3.2.1, NCBC;
Section 203.2.1.2, Formal Interpretations**

Mr. Wills:

This letter is in response to your March 6, 2015 request for a formal interpretation in accordance with the NCAC, Section 203.2.1.2 (GS 143-140).

Your first question in my words is as follows: "What provision of the code supports the classification as an Occupancy Group R-1 addressed by the NCBC, Section 310.1?"

The scope of the NCRC is contained in Section R101.2 that states the following:

R101.2 Scope. The provisions of the *North Carolina Residential Code for One- and Two-family Dwellings* 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 townhouses not more than three stories above *grade plane* in height with a separate means of egress and their *accessory buildings and structures*.

The classification for a Group R-1 begins in the NCRC, Section R202 with the definition of a "family" contained that states the following:

FAMILY. Family is an individual, two or more persons related by blood, marriage or law, or a group of not more than any five persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or more persons related by blood, marriage or law, are a part of the family for this code.

The language in the NCRC Section R101.2 addressing "...detached one- and two-family dwellings..." incorporates the definition for "family" from NCRC Section R202.

If the building does not meet the criteria of a One-or Two-family dwelling and thus is not governed by the NCRC, then the building must be constructed in accordance with the NCBC as addressed in the NCAC, Section 101.3.2.1 that states:

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. [underline added]

The fact that the building is three or less stories above grade plane in accordance with NCRC Section R101.2 is not the conclusive definition for determining the occupancy classification.

In response to your question regarding our use of the CAMA permit application, the question posed to this office asked what the occupancy classification for the building should be. When the CAMA information was reviewed, our response identified that the occupancy more closely resembled a Group R-1 or "hotel" based on the transient nature of the occupants in the description. Our opinion has not changed.

Your concern that our review of the CAMA permit application means that we did not consider the BOA ruling is incorrect. The BOA ruling was part of our analysis; However, the BOA ruling focused on zoning which is a separate issue. Our answer to questions regarding the occupancy classification were performed in accordance with GS 143-141(b) in providing a response to questions regarding the code.

Your Second question in my words is as follows: *"What authority allows the department to advise the local inspectors to apply the appropriate code in compliance with the General Statutes, Chapter 42A?"*

The authority for construction of a building is not in GS 42A. The construction is provided for in General Statute Chapter 143, Article 9. Within that article, you will find the authority given to the department regarding the construction of buildings used as rentals.

Your Third question in my words is as follows: *"Does the Letendre single family home meet the scope of the NCRC R101.2?"*

As I have previously responded, if the structure is used as a house for a single family (or two families), then it would more resemble a building that is constructed in accordance with the NCRC. If the 24 bedrooms will be rented out as the CAMA application appears to state, then it most resembles a Group R-1 occupancy constructed in accordance with the NCBC.

In the conclusion of your letter, you depart from a request for a formal interpretation and appear to anticipate an appeal in accordance with GS 153A-374. Additional information would be needed for a conclusive answer to such an appeal, including the order, decision or determination from which you desire to appeal.

Sincerely,

Barry Gupton
Chief Code Consultant

cc: File
Bill Newns, Currituck County
Chris Noles, NCDOI



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March 06, 2015

Mr. Barry Gupton
North Carolina Department of Insurance
Chief Code Consultant
Code Services Section
322 Chapanoke Road, Suite 200
Raleigh, NC 27603
VIA EMAIL PDF TO barry.gupton@ncdoi.gov

Re: Request for formal interpretation

Dear Mr. Gupton:

I represent Ms. Elizabeth Letendre in regard to her planned construction of a single family residential ocean front home at 1441 Ocean Pearl Road, Currituck County, North Carolina. The design professional for the home is Mr. Chris Nason of Beacon Architecture & Design, PLLC. The General Contractor who submitted the plans is Mancuso Development, Inc. As you are aware, the general contractor, Mancuso Development Inc., representing Ms. Letendre submitted a set of construction plans to the Currituck County Planning Department in 2013. I am aware that you have corresponded on numerous occasions with my client's neighbors, Mr. & Mrs. Long who object to the proposed construction. During a recent meeting between myself, the county planning director, the county attorney, the general contractor, and the chief building inspector, Mr. Bill Newns, the county shared and discussed with us your email dated January 15, 2015, a copy of which is attached hereto as Exhibit 1.

In order to comply with the assertions made in your last email, Mr. Newns required modifications to the plans previously reviewed and approved by the county before a building permit would be issued for construction. It was stipulated by him that these modifications are not required under the 2012 NC Residential Code ("NCRC") which governs construction of single family residential homes with no more than three stories. A different standard is being mandated for construction of this home solely to address the classification opinion expressed in your email regarding "*transient occupation by group rentals*" and your general assertion that "*this transient use most closely resembles a hotel.*" Mr. Newns believes he is duty bound to comply with your directive. He is, therefore, not applying the NCRC to this project, but instead applying the NCBC and mandating modifications be made to the original plans to include increased fire ratings, modification of egress requirements, ADA compliance and numerous other items as an alternate method to R-1 classified projects under the NCBC. As a direct result,

the overall construction cost for the Letendre home will be increased by approximately \$130,000.

As you know, the original plans were the subject matter of a letter of determination from the Currituck County Planning Director, Mr. Ben Woody, dated November 22, 2013 a copy of which is attached hereto as Exhibit 2. As stated therein, Mr. Woody determined that the plans meet the definition of a single family dwelling unit. Thereafter, the Longs appealed Mr. Woody's written opinion to the County Board of Adjustments ("BOA") which affirmed his opinion in all respects. A copy of the BOA's determination is attached hereto as Exhibit 3. Thereafter, the Longs appealed the decision of the BOA to Superior Court. On November 17, 2014 the matter came on for hearing before the Honorable Cy Grant, Superior Court Judge Presiding, wherein the Long's attorney argued their case with reference to the transcript of the BOA hearing testimony. On December 8, 2014 an Order was entered by Judge Grant affirming the decision of the BOA. A copy of Judge Grant's order is attached hereto as Exhibit 4.

In each of the above referenced hearings the Longs, by and through their attorney, and with reference to sworn testimony of their retained architect who discussed the applicable building code standards, had the opportunity to air their grievance and support their assertion that the proposed structure was more like a hotel or boarding house and should not be classified as a single family residential home. As you can see from review of the attached Orders, the Planning Department, the BOA, and a Superior Court Judge disagreed with that assertion and upheld the County's original determination that the home can, and should, be classified as a single family residential dwelling unit under the County Uniform Development Ordinance ("UDO"). At the completion of all this litigation, and with full knowledge of the outcome, the county building inspector received your email stating, in relevant part:

"We have subsequently learned, through the CAMA permit application, that this structure will be transiently occupied by group rentals. The building code, Group R1 is a better classification for that use. This transient use most closely resembles a hotel."

According to Mr. Newns, the only reason that the NCRC does not apply to the construction of this home is the above quoted language in your email of January 15, 2015. My clients, therefore, seek a formal interpretation on the following items derived from your email:

1. What provision of the code supports your classification of the plans for Ms. Letendre's three story home as a "hotel" subject to section 310.1 of the NCBC based on your assertion that "*we have subsequently learned, through the CAMA permit application, that the structure will be transiently occupied by group rentals*"? When responding to this, please specifically address the following:
 - a. The mandate under NCRC, Sec. R101.2 that the NCRC "*shall apply to the construction . . . of one family dwellings . . . not more than three stories above grade plane*"?

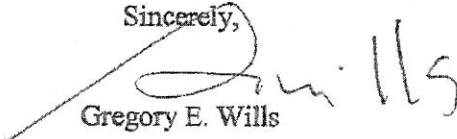
- b. Please explain how NCBC 101.2 can be applied to this set of plans when the first exception noted therein states that *"one family dwellings. . . . not more than three stories above grade plane in height with a separate means of egress. . . . shall comply with the International Residential Code (NCRRC)"*?
 - c. Please identify that provision of the code which authorizes you to base your classification criteria on information provided to you by the neighboring land owner relating to a CAMA permit and not the plans submitted for your review by the county permitting office and the written determination of County Planning Department and the design professional which classified the property as a *"single family residential dwelling unit"*? (Ref. NCRRC 102.2) (See the letter from Chris Nason attached as exhibit 5)
 - d. Please identify that provision of code authorizing you to give evidentiary preference to whatever document the Longs provided to you ex-parte, over the written determination of the County BOA which considered live testimony, subject to cross examination by the respective parties attorneys of the Long's retained architect and Letendre's retained CAMA expert, resulting in a determination by the BOA that *"the Administrator correctly based his decision on the UDO with appropriate consideration to other regulations and standards including those of CAMA and the North Carolina Building Code"* which determination was subsequently affirmed, in its entirety, by a Superior Court Judge after consideration of the transcript of sworn testimony at the hearing? (Ref. NCRRC 102.2)
2. By what authority do you, as Chief Code Consultant of the Code Services Section of the North Carolina Department of Insurance, have to direct, require or advise local permitting officials to apply NCBC instead of NCRRC based on this home's planned or potential use as a vacation rental home in compliance with the Vacation Rental Act ("VRA") set out in Chapter 42A of the North Carolina General Statutes?
 3. The North Carolina Department of Insurance has addressed Section 301.1 of the NCBC and Section R101.2 of the NCRRC in a formal interpretation on September 1, 2011 and is posted on the Department of Insurance website. In the interpretation the applicability of the two sections is *"based on whether they meet the scope of the NCRRC as described in Section R101.2"* In addition, *"If they meet the scope of Section R101.2 . . . , they may be constructed to meet the requirements of the North Carolina Residential Code."* Does the Letendre single family home meet the scope of R101.2? (See attached Exhibit 6)

My clients have accepted the permit with the mandated modifications put in place by Mr. Newns and will begin construction on the property in the very near future. The final plans permitted for construction are attached to the email transmitting this letter with enclosures. My clients request that you respond to this request for formal interpretation as quickly as possible so as to enable them to exhaust their appeals before the construction progresses to a point that it will be impossible to avoid spending the additional \$130,000 needed to comply with the County's mandated NCBC requirements in order to obtain their certificate of occupancy.

Also enclosed for your review is a copy of relevant portions of the VRA (Exhibit 7) and a print off from a local real estate company's website affirmatively advertising similar homes throughout Currituck County for events such as weddings and parties during a weekly vacation rental of said property in compliance with the VRA.(Exhibit 8¹) The vast majority of construction in Currituck County involves homes that will be placed into a VRA program which will be "transiently occupied" by tourists every year based on weekly rental to individuals or families by licensed real estate agents. The NCBC compliance standards mandated by your email will materially affect a multi-million dollar vacation rental industry and cost millions of dollars if uniformly applied and enforced by permitting officials in Eastern North Carolina.

In summary, use by "transient group rentals" of residential homes to vacationing tourists is the norm along the beaches in Currituck County. My clients believe their construction project is being singled out for heightened construction standards by the assertions made in your email of January 15, 2015. They believe your direction to the local permitting official is based on the Long's complaints to your office after their defeat in litigation on virtually identical issues within the county. Accordingly, my clients request that you provide a formal interpretation of the building code which underlies the opinion given to the local county permitting officer. If sustained on appeal, my clients will insist that "NCBC alternative methods to R-1 construction standards" be uniformly applied to all vacation rental homes in this county that are used, or may be used for rentals to tourists on a transient basis in compliance with the VRA. If overturned on appeal, my clients will petition the county to apply the NCRC in conformity with actual determinations made by the county planning department, the BOA, and a Superior Court Judge just as that standard has historically and consistently been applied in all such construction projects in Currituck County. Your prompt attention in this matter is greatly appreciated.

Sincerely,


Gregory E. Wills

Enclosure

Cc: Chris Noles (via email only to chris.noles@ncdoi.gov)
Bernard Mancuso, Mancuso Development Inc.
Clients

¹ The attached exhibit is only 5 pages taken from website referenced at the bottom of each page. There are 44 such homes on this website and there are many such real estate company websites that you can go to find identical listings. There are thousands of such homes advertised in Dare and Currituck County. Virtually all of these homes are available for special events such as wedding and parties upon payment of an increased "event fee" and all are classified as single family residential dwellings available for rental under the VRA.

Part I—Administrative

CHAPTER 1

SCOPE AND ADMINISTRATION

PART I—SCOPE AND APPLICATION

SECTION R101 GENERAL

R101.1 Title. These provisions shall be known as the North Carolina Residential Code for One- and Two-family Dwellings and shall be cited as such and will be referred to herein as “this code.” These regulations were adopted by the North Carolina Building Code Council on December 14, 2010, to be effective January 1, 2012. References to the International Codes shall mean the North Carolina Codes. The North Carolina amendments to the International Codes are underlined.

R101.2 Scope. The provisions of the North Carolina Residential Code for One- and Two-family Dwellings 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 townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory buildings and structures.

Exception: Live/work units complying with the requirements of Section 419 of the North Carolina Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the North Carolina Building Code when constructed under the North Carolina Residential Code for One- and Two-family Dwellings shall conform to Section 903.3.1.3 of the International Building Code.

Accessory buildings with any dimension greater than 12 feet must meet the provisions of this code. Accessory buildings may be constructed without a masonry or concrete foundation, except in coastal high hazard or ocean hazard areas, provided all of the following conditions are met:

1. The building shall not exceed 400 sq. ft. or one story in height;
2. The building is supported on a wood foundation of a minimum 2x6 or 3x4 mud sill of approved wood in accordance with Section 323; and
3. The building is anchored to resist overturning and sliding by installing a minimum of one ground anchor at each corner of the building. The total resisting force of the anchors shall be equal to 20 psf times the plan area of the building.

Accessory structures except decks, gazebos, and retaining walls as required by Section R404.4, are not required to meet

the provisions of this code. For swimming pools and spas, see Appendix G.

R101.3 Purpose. The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment.

SECTION R102 APPLICABILITY

R102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

R102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

R102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer’s instructions shall apply.

R102.5 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the code text.

R102.6 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

R102.7 Existing structures. For requirements of existing structures, refer to the North Carolina Administration and Enforcement Requirements Code.

R102.7.1 Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this

DEFINITIONS

EXHAUST HOOD, FULL OPENING. An exhaust hood with an opening at least equal to the diameter of the connecting vent.

EXISTING INSTALLATIONS. Any plumbing system regulated by this code that was legally installed prior to the effective date of this code, or for which a *permit* to install has been issued.

EXTERIOR INSULATION AND FINISH SYSTEMS (EIFS). EIFS are nonstructural, nonload-bearing *exterior wall* cladding systems that consist of an insulation board attached either adhesively or mechanically, or both, to the substrate; an integrally reinforced base coat; and a textured protective finish coat.

EXTERIOR INSULATION AND FINISH SYSTEMS (EIFS) WITH DRAINAGE. An EIFS that incorporates a means of drainage applied over a water-resistive barrier.

EXTERIOR WALL. An above-grade wall that defines the exterior boundaries of a building. Includes between-floor spandrels, peripheral edges of floors, roof and *basement* knee walls, dormer walls, gable end walls, walls enclosing a mansard roof and *basement walls* with an average below-grade wall area that is less than 50 percent of the total opaque and nonopaque area of that enclosing side.

F-FACTOR. The perimeter heat loss factor for slab-on-grade floors (Btu/h × ft × °F) [W/(m × K)].

FACING. The wood structural panel facings that form the two outmost rigid layers of the structural insulated panel.

FACTORY-BUILT CHIMNEY. A *listed* and *labeled* chimney composed of factory-made components assembled in the field in accordance with the manufacturer's instructions and the conditions of the listing.

FAMILY. Family is an individual, two or more persons related by blood, marriage or law, or a group of not more than any five persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or more persons related by blood, marriage or law, are a part of the family for this code.

FENESTRATION. Skylights, roof windows, vertical windows (whether fixed or moveable); opaque doors; glazed doors; glass block; and combination opaque/glazed doors.

FIBER-CEMENT SIDING. A manufactured, fiber-reinforcing product made with an inorganic hydraulic or calcium silicate binder formed by chemical reaction and reinforced with discrete organic or inorganic nonasbestos fibers, or both. Additives which enhance manufacturing or product performance are permitted. Fiber-cement siding products have either smooth or textured faces and are intended for *exterior wall* and related applications.

FIREBLOCKING. Building materials or materials *approved* for use as fireblocking, installed to resist the free passage of flame to other areas of the building through concealed spaces.

FIREPLACE. An assembly consisting of a hearth and fire chamber and smoke chamber, beginning at the hearth and ending at the top of the smoke chamber, of noncombustible material and provided with a chimney, for use with solid fuels.

Factory-built fireplace. A *listed* and *labeled* fireplace and chimney system composed of factory-made components, and assembled in the field in accordance with manufacturer's instructions and the conditions of the listing.

Masonry chimney. A field-constructed chimney composed of solid masonry units, bricks, stones or concrete, beginning at the top of the smoke chamber and ending at the flue termination.

Masonry fireplace. A field-constructed fireplace composed of solid masonry units, bricks, stones or concrete, beginning at the hearth and ending at the top of the smoke chamber.

Smoke chamber. That part of a masonry fireplace which extends from the top of the firebox to the start of the chimney flue lining. A smoke chamber shall have a damper and a smoke shelf.

FIREPLACE STOVE. A free-standing, chimney-connected solid-fuel-burning heater designed to be operated with the fire chamber doors in either the open or closed position.

FIREPLACE THROAT. The opening between the top of the firebox and the smoke chamber.

FIRE-RETARDANT-TREATED WOOD. Pressure-treated lumber and plywood that exhibit reduced surface burning characteristics and resist propagation of fire.

Other means during manufacture. A process where the wood raw material is treated with a fire-retardant formulation while undergoing creation as a finished product.

Pressure process. A process for treating wood using an initial vacuum followed by the introduction of pressure above atmospheric.

FIRE SEPARATION DISTANCE. The distance measured from the building face to one of the following:

1. To the closest interior *lot line*;
2. To the centerline of a street, an alley or public way; or
3. To an imaginary line between two buildings on the *lot*.

The distance shall be measured at a right angle from the face of the wall.

FIXTURE. See "Plumbing fixture."

FIXTURE BRANCH, DRAINAGE. A drain serving two or more fixtures that discharges into another portion of the drainage system.

FIXTURE BRANCH, WATER-SUPPLY. A water-supply pipe between the fixture supply and a main water-distribution pipe or fixture group main.

FIXTURE DRAIN. The drain from the trap of a fixture to the junction of that drain with any other drain pipe.

FIXTURE FITTING.

Supply fitting. A fitting that controls the volume and/or directional flow of water and is either attached to or accessible from a fixture or is used with an open or atmospheric discharge.

SECTION 310 RESIDENTIAL GROUP R

310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code* in accordance with Section 101.2. Residential occupancies shall include the following:

R-1 Residential occupancies containing *sleeping units* where the occupants are primarily transient in nature, including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-2 Residential occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (nontransient)
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

Congregate living facilities with 16 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Buildings that do not contain more than two dwelling units.
- Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.
- Child care facilities that provide accommodations for eight or fewer persons with no more than five for a preschool for less than 24 hours.
- Congregate living facilities with 16 or fewer persons.

Adult care and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities, or adult and child day care facilities that provide accommodations in a residence occupied as a home by the caregiver for persons of any age for less than 24 hours, including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code or shall comply with the *International Residential Code* provided the building is protected by an *auto-*

matic sprinkler system installed in accordance with Section 903.2.8.

310.2 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

BOARDING HOUSE. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

CONGREGATE LIVING FACILITIES. A building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities.

DORMITORY. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

PERSONAL CARE SERVICE. The care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides *personal care services*. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

TRANSIENT. Occupancy of a *dwelling unit* or *sleeping unit* for not more than 30 days.

SECTION 311 STORAGE GROUP S

311.1 Storage Group S. Storage Group S occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.

311.2 Moderate-hazard storage, Group S-1. Buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

- Aerosols, Levels 2 and 3
- Aircraft hangar (storage and repair)
- Bags: cloth, burlap and paper
- Bamboos and rattan
- Baskets
- Belting: canvas and leather
- Books and paper in rolls or packs
- Boots and shoes
- Buttons, including cloth covered, pearl or bone
- Cardboard and cardboard boxes
- Clothing, woolen wearing apparel
- Cordage

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 Conservation, 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 Provisions. The accessibility provisions 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.