

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.net.

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
143-151.8–21	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

APPENDIX A

PERMIT APPLICATION INFORMATION SHEET

The following information is required on all permit applications. Additional information may be included to ensure that all state and local laws are complied with. This information may be arranged in any order and the following outline is only the minimum information required.

City/County Name _____

Inspection Department _____

Permit Application _____

Applicant Name _____ Date ___ / ___ / ___

Project Address _____

Total Project Cost _____ Electrical Cost _____

Subdivision _____ Block # _____ Lot # _____

Developer _____ Phone # (_____) _____ - _____ E-Mail _____

Property Owner _____ Phone # (_____) _____ - _____ E-Mail _____

Address _____ City _____ State _____ ZIP _____

Project Contact _____ Phone # (_____) _____ - _____ E-Mail _____

Address _____ City _____ State _____ ZIP _____

Description of Proposed Work _____

Type of Building: ___ New ___ Existing ___ Addition ___ N/A

Type of Construction: ___ IA ___ IB ___ IIA ___ IIB ___ IIIA ___ IIIB ___ IV ___ VA ___ VB

Occupancy: ___ A-1 ___ A-2 ___ A-3 ___ A-4 ___ A-5 ___ B ___ E ___ F-1 ___ F-2

 ___ H-1 ___ H-2 ___ H-3 ___ H-4 ___ H-5 ___ I-1 ___ I-2 ___ I-3 ___ I-4

 ___ M ___ R-1 ___ R-2 ___ R-3 ___ R-4 ___ S-1 ___ S-2 ___ U

Equipment: ___ New ___ Existing ___ Addition ___ N/A

Property Use: ___ Single Family ___ Two Family ___ Townhouse

 ___ Apartment ___ Condominium

 ___ Other (Library, Office, Etc.)

Building Area: Total Area (sf) _____ Area per floor (sf) _____

Building Height: Feet _____ # of Stories _____

State Agency Approvals:

NC Department of Insurance ___ Yes ___ No ___ N/A

 Plan Approval _____ # of Sheets _____ Date ___ / ___ / ___

 Specifications _____ # of Sheets _____ Date ___ / ___ / ___

NC Department of Labor ___ Yes ___ No ___ N/A

 Elevators _____ Date ___ / ___ / ___ Boilers _____ Date ___ / ___ / ___

Utilities Approvals:

Water: ___ Public ___ Private ___ Private Health Dept. Permit # _____

Sewer: ___ Public ___ Private ___ Private Health Dept. Permit # _____

APPENDIX A

Place X and complete additional information for each permit type needed.

General Construction Permit

Contractor Name _____ Phone # (____) ____ - ____ E-Mail _____
 Address _____ City _____ State _____ ZIP _____
 License # _____ Classification _____
 Design Professional _____ Phone # (____) ____ - ____ E-Mail _____
 _____ Architect _____ Engineer
 _____ Owner _____ Other
 NC Reg. # _____
 Address _____ City _____ State _____ ZIP _____

Electrical Permit

Contractor Name _____ Phone # (____) ____ - ____ E-Mail _____
 Address _____ City _____ State _____ ZIP _____
 License # _____ Classification _____
 Design Professional _____ Phone # (____) ____ - ____ E-Mail _____
 _____ Architect _____ Engineer
 _____ Owner _____ Other
 NC Reg. # _____
 Address _____ City _____ State _____ ZIP _____

Mechanical Permit

Contractor Name _____ Phone # (____) ____ - ____ E-Mail _____
 Address _____ City _____ State _____ ZIP _____
 License # _____ Classification _____
 Design Professional _____ Phone # (____) ____ - ____ E-Mail _____
 _____ Architect _____ Engineer
 _____ Owner _____ Other
 NC Reg. # _____
 Address _____ City _____ State _____ ZIP _____

Plumbing Permit

Contractor Name _____ Phone # (____) ____ - ____ E-Mail _____
 Address _____ City _____ State _____ ZIP _____
 License # _____ Classification _____
 Design Professional _____ Phone # (____) ____ - ____ E-Mail _____
 _____ Architect _____ Engineer
 _____ Owner _____ Other
 NC Reg. # _____
 Address _____ City _____ State _____ ZIP _____

Sprinkler Protection Permit

Contractor Name _____ Phone # (____) ____ - ____ E-Mail _____
 Address _____ City _____ State _____ ZIP _____
 License # _____ Classification _____
 Design Professional _____ Phone # (____) ____ - ____ E-Mail _____
 _____ Architect _____ Engineer
 _____ Owner _____ Other
 NC Reg. # _____
 Address _____ City _____ State _____ ZIP _____

Fire Alarm System Permit

Contractor Name _____ Phone # (____) ____ - ____ E-Mail _____
 Address _____ City _____ State _____ ZIP _____
 License # _____ Classification _____
 Design Professional _____ Phone # (____) ____ - ____ E-Mail _____
 _____ Architect _____ Engineer
 _____ Owner _____ Other
 NC Reg. # _____
 Address _____ City _____ State _____ ZIP _____

Place X and complete additional information for each permit type needed.

___ Sign Permit

Location of Sign _____ Address _____
 ___ Off Premises Sign ___ Wall Sign ___ Ground Sign ___ Awning Sign
 ___ Projection Sign ___ Special Event Sign ___ Other
 Sign/Business Owner _____ Phone # (_____) _____ - _____ E-Mail _____
 Address _____ City _____ State _____ ZIP _____
 Contractor Name _____ Phone # (_____) _____ - _____ E-Mail _____
 Address _____ City _____ State _____ ZIP _____

___ Accessory Structures Permit

___ Accessory Building _____ Size _____ Sq.ft.
 ___ Solid Fence ___ Dish Antenna ___ Swimming Pool ___ Other

I hereby certify that all information in this application is correct and all work will comply with the State Building Code and all other applicable State and local laws and ordinances and regulations. The Inspection Department will be notified of any changes in the approved plans and specifications for the project permitted herein.

Owner/Agent Signature _____

APPENDIX B

**2012 BUILDING CODE SUMMARY
FOR ALL COMMERCIAL PROJECTS**

(EXCEPT ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES)

(Reproduce the following data on the building plans sheet 1 or 2)

Name of Project: _____
 Address: _____ Zip Code _____
 Proposed Use: _____
 Owner/Authorized Agent: _____ Phone # (____) ____ - _____ E-Mail _____
 Owned By: City/County Private State
 Code Enforcement Jurisdiction: City _____ County _____ State

LEAD DESIGN PROFESSIONAL: _____

DESIGNER	FIRM	NAME	LICENSE #	TELEPHONE #	E-MAIL
Architectural	_____	_____	_____	(____) _____	_____
Civil	_____	_____	_____	(____) _____	_____
Electrical	_____	_____	_____	(____) _____	_____
Fire Alarm	_____	_____	_____	(____) _____	_____
Plumbing	_____	_____	_____	(____) _____	_____
Mechanical	_____	_____	_____	(____) _____	_____
Sprinkler-Standpipe	_____	_____	_____	(____) _____	_____
Structural	_____	_____	_____	(____) _____	_____
Retaining Walls >5' High	_____	_____	_____	(____) _____	_____
Other	_____	_____	_____	(____) _____	_____

2012 EDITION OF NC CODE FOR: New Construction Addition Upfit
EXISTING: Reconstruction Alteration Repair Renovation
CONSTRUCTED: (date) _____ **ORIGINAL USE(S)** (Ch. 3): _____
RENOVATED: (date) _____ **CURRENT USE(S)** (Ch. 3): _____
PROPOSED USE(S) (Ch. 3): _____

BUILDING DATA

Construction Type: I-A II-A III-A IV V-A
 (check all that apply) I-B II-B III-B V-B
Sprinklers: No Partial Yes NFPA 13 NFPA 13R NFPA 13D
Standpipes: No Yes Class I II III Wet Dry
Fire District: No Yes (Primary) Flood Hazard Area: No Yes

Building Height: (feet) _____

Gross Building Area:

Floor	Existing (sq ft)	New (sq ft)	Subtotal
6th Floor	_____	_____	_____
5th Floor	_____	_____	_____
4th Floor	_____	_____	_____
3rd Floor	_____	_____	_____
2nd Floor	_____	_____	_____
Mezzanine	_____	_____	_____
1st Floor	_____	_____	_____
Basement	_____	_____	_____
TOTAL	_____	_____	_____

ALLOWABLE AREA

Occupancy:

- Assembly A-1 A-2 A-3 A-4 A-5
- Business
- Educational
- Factory F-1 Moderate F-2 Low
- Hazardous H-1 Detonate H-2 Deflagrate H-3 Combust H-4 Health H-5 HPM
- Institutional I-1 I-2 I-3 I-4
- I-3 Condition 1 2 3 4 5
- Mercantile
- Residential R-1 R-2 R-3 R-4
- Storage S-1 Moderate S-2 Low High-piled
 Parking Garage Open Enclosed Repair Garage
- Utility and
Miscellaneous

Accessory Occupancies:

- Assembly A-1 A-2 A-3 A-4 A-5
- Business
- Educational
- Factory F-1 Moderate F-2 Low
- Hazardous H-1 Detonate H-2 Deflagrate H-3 Combust H-4 Health H-5 HPM
- Institutional I-1 I-2 I-3 I-4
- I-3 Condition 1 2 3 4 5
- Mercantile
- Residential R-1 R-2 R-3 R-4
- Storage S-1 Moderate S-2 Low High-piled
 Parking Garage Open Enclosed Repair Garage
- Utility and
Miscellaneous

Accessory Occupancies:

- Furnace room where any piece of equipment is over 400,000 Btu per hour input
- Rooms with boilers where the largest piece of equipment is over 15 psi and 10 horsepower
- Refrigerant machine room
- Hydrogen cutoff rooms, not classified as Group H
- Incinerator rooms
- Paint shops, not classified as Group H, located in occupancies other than Group F
- Laboratories and vocational shops, not classified as Group H, located in a Group E or I-2 occupancy
- Laundry rooms over 100 square feet
- Group I-3 cells equipped with padded surfaces
- Group I-2 waste and linen collection rooms
- Waste and linen collection rooms over 100 square feet
- Stationary storage battery systems having a liquid electrolyte capacity of more than 50 gallons, or a lithium-ion capacity of 1,000 pounds used for facility standby power, emergency power or uninterrupted power supplies
- Rooms containing fire pumps
- Group I-2 storage rooms over 100 square feet
- Group I-2 commercial kitchens
- Group I-2 laundries equal to or less than 100 square feet
- Group I-2 rooms or spaces that contain fuel-fired heating equipment

- Special Uses: 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417
 418 419 420 421 422 423 424 425 426 427

- Special Provisions: 509.2 509.3 509.4 509.5 509.6 509.7 509.8 509.9

continued

ALLOWABLE AREA—cont'd

Mixed Occupancy: No Yes Separation: _____ Hr. Exception: _____

- Incidental Use Separation (508.2.5)
This separation is not exempt as a Nonseparated Use (see exceptions).
- Nonseparated Use (508.3.2)
The required type of construction for the building shall be determined by applying the height and area limitations for each of the applicable occupancies to the entire building. The most restrictive type of construction, so determined, shall apply to the entire building.
- Separated Use (508.3.3) - See below for area calculations
For each story, the area of the occupancy shall be such that the sum of the ratios of the actual floor area of each use divided by the allowable floor area for each use shall not exceed 1.

$$\frac{\text{Actual Area of Occupancy A}}{\text{Allowable Area of Occupancy A}} + \frac{\text{Actual Area of Occupancy B}}{\text{Allowable Area of Occupancy B}} \leq 1$$

$$\underline{\hspace{2cm}} + \underline{\hspace{2cm}} + \dots = \underline{\hspace{2cm}} \leq 1.00$$

STORY NO.	DESCRIPTION AND USE	(A) BLDG AREA PER STORY (ACTUAL)	(B) TABLE 503 ⁵ AREA	(C) AREA FOR FRONTAGE INCREASE ¹	(D) AREA FOR SPRINKLER INCREASE ²	(E) ALLOWABLE AREA OR UNLIMITED ³	(F) MAXIMUM BUILDING AREA ⁴

1. Frontage area increases from Section 506.2 are computed thus:
 - a. Perimeter which fronts a public way or open space having 20 feet minimum width = _____ (F)
 - b. Total Building Perimeter = _____ (P)
 - c. Ratio (F/P) = _____ (F/P)
 - d. W = Minimum width of public way = _____ (W)
 - e. Percent of frontage increase $I_f = 100 [F/P - 0.25] \times W/30 = \underline{\hspace{2cm}}$ (%)
2. The sprinkler increase per Section 506.3 is as follows:
 - a. Multi-story building $I_s = 200$ percent
 - b. Single story building $I_s = 300$ percent
3. Unlimited area applicable under conditions of Section 507.
4. Maximum Building Area = total number of stories in the building $\times E$ (506.4).
5. The maximum area of open parking garages must comply with Table 406.3.5. The maximum area of air traffic control towers must comply with Table 412.1.2.

ALLOWABLE HEIGHT

	ALLOWABLE (TABLE 503)	INCREASE FOR SPRINKLERS	SHOWN ON PLANS	CODE REFERENCE
Type of Construction	Type _____		Type _____	
Building Height in Feet		Feet = H + 20' = _____		
Building Height in Stories		Stories + 1 = _____		

FIRE PROTECTION REQUIREMENTS

BUILDING ELEMENT	FIRE SEPARATION DISTANCE (FEET)	RATING		DETAIL # AND SHEET #	DESIGN # FOR RATED ASSEMBLY	DESIGN # FOR RATED PENETRATION	DESIGN # FOR RATED JOINTS
		REQ'D	PROVIDED (W/ _____)* REDUCTION)				
Structural Frame Including columns, girders, trusses							
Bearing Walls							
Exterior							
North							
East							
West							
South							
Interior							
Nonbearing walls and partitions							
Exterior walls							
North							
East							
West							
South							
Interior walls and partitions							
Floor Construction Including supporting beams and joists							
Roof Construction Including supporting beams and joists							
Shaft Enclosures — Exit							
Shaft Enclosures — Other							
Corridor Separation							
Occupancy Separation							
Party/Fire Wall Separation							
Smoke Barrier Separation							
Tenant Separation							
Incidental Use Separation							

* Indicate section number permitting reduction

LIFE SAFETY SYSTEM REQUIREMENTS

- Emergency Lighting: No Yes
- Exit Signs: No Yes
- Fire Alarm: No Yes
- Smoke Detection Systems: No Yes Partial _____
- Panic Hardware: No Yes

LIFE SAFETY PLAN REQUIREMENTS

Life Safety Plan Sheet #: _____

- Fire and/or smoke rated wall locations (Chapter 7)
- Assumed and real property line locations
- Exterior wall opening area with respect to distance to assumed property lines (705.8)
- Existing structures within 30 feet of the proposed building
- Occupancy types for each area as it relates to occupant load calculation (Table 1004.1.1)
- Occupant loads for each area
- Exit access travel distances (1016)
- Common path of travel distances (1014.3 & 1028.8)
- Dead end lengths (1018.4)
- Clear exit widths for each exit door
- Maximum calculated occupant load capacity each exit door can accommodate based on egress width (1005.1)
- Actual occupant load for each exit door
- A separate schematic plan indicating where fire rated floor/ceiling and/or roof structure is provided for purposes of occupancy separation
- Location of doors with panic hardware (1008.1.10)
- Location of doors with delayed egress locks and the amount of delay (1008.1.9.7)
- Location of doors with electromagnetic egress locks (1008.1.9.8)
- Location of doors equipped with hold-open devices
- Location of emergency escape windows (1029)
- The square footage of each fire area (902)
- The square footage of each smoke compartment (407.4)
- Note any code exceptions or table notes that may have been utilized regarding the items above

**ACCESSIBLE DWELLING UNITS
(SECTION 1107)**

TOTAL UNITS	ACCESSIBLE UNITS REQUIRED	ACCESSIBLE UNITS PROVIDED	TYPE A UNITS REQUIRED	TYPE A UNITS PROVIDED	TYPE B UNITS REQUIRED	TYPE B UNITS PROVIDED	TOTAL ACCESSIBLE UNITS PROVIDED

**ACCESSIBILITY PARKING
(SECTION 1106)**

LOT OR PARKING AREA	TOTAL # OF PARKING SPACES		# OF ACCESSIBLE SPACES PROVIDED			TOTAL # ACCESSIBLE PROVIDED
	REQUIRED	PROVIDED	REGULAR WITH 5' ACCESS AISLE	VAN SPACES WITH		
				132" ACCESS AISLE	8' ACCESS AISLE	
TOTAL						

STRUCTURAL DESIGN

DESIGN LOADS:

Importance Factors: Wind (I_W) _____
 Snow (I_S) _____
 Seismic (I_E) _____

Live Loads: Roof _____ psf
 Mezzanine _____ psf
 Floor _____ psf

Ground Snow Load: _____ psf

Wind Load: Basic Wind Speed _____ mph (ASCE-7)
 Exposure Category _____
 Wind Base Shears (for MWFRS) $V_x =$ _____ $V_y =$ _____
 A B C D

SEISMIC DESIGN CATEGORY:

Provide the following Seismic Design Parameters:

Occupancy Category (Table 1604.5) I II III IV

Spectral Response Acceleration S_S _____ %g S_1 _____ %g

Site Classification (Table 1613.5.2) A B C D E F
 Data Source: Field Test Presumptive Historical Data

Basic structural system (check one)
 Bearing Wall Dual w/Special Moment Frame
 Building Frame Dual w/Intermediate R/C or Special Steel
 Moment Frame Inverted Pendulum

Seismic base shear: $V_x =$ _____ $V_y =$ _____

Analysis Procedure: Simplified Equivalent Lateral Force Dynamic

Architectural, Mechanical, Components anchored? Yes No

LATERAL DESIGN CONTROL: Earthquake Wind

SOIL BEARING CAPACITIES:

Field Test (provide copy of test report) _____ psf
 Presumptive Bearing capacity _____ psf
 Pile size, type, and capacity _____

SPECIAL INSPECTIONS REQUIRED: Yes No

PLUMBING FIXTURE REQUIREMENTS
(TABLE 2902.1)

USE	WATERCLOSETS		URINALS	LAVATORIES		SHOWERS/ TUBS	DRINKING FOUNTAINS	
	MALE	FEMALE		MALE	FEMALE		REGULAR	ACCESSIBLE
SPACE	EXISTING							
	NEW							
	REQUIRED							

SPECIAL APPROVALS

Special approval: (Local Jurisdiction, Department of Insurance, OSC, DPI, DHHS, ICC, etc., describe below)

ENERGY SUMMARY

ENERGY REQUIREMENTS:

The following data shall be considered minimum and any special attribute required to meet the energy code shall also be provided. Each Designer shall furnish the required portions of the project information for the plan data sheet. If performance method, state the annual energy cost for the standard reference design versus the annual energy cost for the proposed design.

Climate Zone: 3 4 5

Method of Compliance:

- Prescriptive (Energy Code)
 Performance (Energy Code)
 Prescriptive (ASHRAE 90.1)
 Performance (ASHRAE 90.1)

THERMAL ENVELOPE

Roof/ceiling Assembly (each assembly)

Description of assembly: _____
 U-Value of total assembly: _____
 R-Value of insulation: _____
 Skylights in each assembly: _____
 U-Value of skylight: _____
 total square footage of skylights in each assembly: _____

Exterior Walls (each assembly)

Description of assembly: _____
 U-Value of total assembly: _____
 R-Value of insulation: _____
 Openings (windows or doors with glazing)
 U-Value of assembly: _____
 Solar heat gain coefficient: _____
 projection factor: _____
 Door R-Values: _____

Walls below grade (each assembly)

Description of assembly: _____
 U-Value of total assembly: _____
 R-Value of insulation: _____

Floors over unconditioned space (each assembly)

Description of assembly: _____
 U-Value of total assembly: _____
 R-Value of insulation: _____

Floors slab on grade

Description of assembly: _____
 U-Value of total assembly: _____
 R-Value of insulation: _____
 Horizontal/vertical requirement: _____
 slab heated: _____

MECHANICAL SUMMARY

MECHANICAL SYSTEMS, SERVICE SYSTEMS AND EQUIPMENT

Thermal Zone

winter dry bulb: _____
 summer dry bulb: _____

Interior design conditions

winter dry bulb: _____
 summer dry bulb: _____
 relative humidity: _____

Building heating load: _____

Building cooling load: _____

Mechanical Spacing Conditioning System

Unitary
 description of unit: _____
 heating efficiency: _____
 cooling efficiency: _____
 size category of unit: _____

Boiler
 Size category. If oversized, state reason.: _____

Chiller
 Size category. If oversized, state reason.: _____

List equipment efficiencies: _____

ELECTRICAL SUMMARY

ELECTRICAL SYSTEM AND EQUIPMENT

Method of Compliance:

Energy Code: Prescriptive Performance

ASHRAE 90.1: Prescriptive Performance

Lighting schedule (each fixture type)

lamp type required in fixture
 number of lamps in fixture
 ballast type used in the fixture
 number of ballasts in fixture
 total wattage per fixture
 total interior wattage specified vs. allowed (whole building or space by space)
 total exterior wattage specified vs. allowed

Additional Prescriptive Compliance

- 506.2.1 More Efficient Mechanical Equipment
- 506.2.2 Reduced Lighting Power Density
- 506.2.3 Energy Recovery Ventilation Systems
- 506.2.4 Higher Efficiency Service Water Heating
- 506.2.5 On-site Supply of Renewable Energy
- 506.2.6 Automatic Daylighting Control Systems



**APPENDIX C
CODE CHANGE PROPOSAL
NORTH CAROLINA
BUILDING CODE COUNCIL**

325 North Salisbury Street, Room 5_44
Raleigh, North Carolina 27603
(919) 647-0019
barry.gupton@ncdoi.gov
Petition for Rule Making

Item Number _____

Granted by BCC _____ Adopted by BCC _____ Approved by RRC _____
Denied by BCC _____ Disapproved by BCC _____ Objection by RRC _____

PROPONENT _____ PHONE (____)____ - _____.
REPRESENTING _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
E-MAIL _____ FAX (____)____ - _____.
North Carolina State Building Code, Volume _____ Section _____

CHECK ONE: Revise section to read as follows: Delete section and substitute the following.
 Add new section to read as follows: Delete section without substitution.

LINE THROUGH MATERIAL TO BE DELETED

UNDERLINE MATERIAL TO BE ADDED

Type or print. Continue proposal or reason on plain paper attached to this form. See reverse side for instructions.

Will this proposal change the cost of construction? Decrease Increase No
Will this proposal increase the cost of a dwelling by \$80 or more? Yes No
Will this proposal affect Local or State funds? Local State No
Will this proposal cause a substantial economic impact (≥ \$1,000,000)? Yes No

Non-Substantial - Provide an economic analysis including benefit/cost estimates.

Substantial - The economic analysis must also include 2-alternatives, time value of money and risk analysis..

REASON:

Signature _____

DATE: _____

BCC CODE CHANGES

FORM 3/14/17

INSTRUCTIONS

Each proposed code change request shall comply with the following rules:

Rule 1: The Original and twenty-two (22) copies of the proposed Petition for Rule-Making along with supporting documentation shall be filed with the Building Code Council Secretary. Submit one (1) electronic copy via email.

Rule 2: The filing shall be received by the first day of the month prior to the quarterly scheduled meeting date.

Rule 3: Each request shall be typewritten on this form and shall contain the following:

- (1) The proposed rule change must be set forth in full and contain explicit reference to the affected section or sections of the code.
- (2) The request shall state the reasons for the proposed rule change with supporting documentation.
- (3) The proposed rule change shall comply with the standards set forth in GS 143-138(c) and reference to the particular standards shall be set forth in the request for the amendment.
- (4) The proposed rule change shall contain an economic impact analysis as required by GS 143-138(a).

Rule 4: When a request is improperly filed or not in accordance with all the rules listed above, the Council Secretary shall reject the submittal and notify the applicant of the proper procedure to follow.

Rule 5: Upon the proper filing of a request, the 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 Council Secretary shall cause to be published the notice of public hearing as specified in GS 143-138(a).

Rule 6: The 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.

Rule 7: The Council will hold a public hearing on granted items at the next quarterly scheduled meeting. The Council will take final action on granted items at the next quarterly scheduled meeting after the public hearing.

<u>Timeline Example</u>	
Petition Received:	February 1
Petition Granted:	March BCC meeting
Notice of Hearing Published:	April NC Register
Committee Review:	<u>May - June</u>
Hearing Held:	June BCC meeting
Final Adoption:	September BCC meeting
Rules Review Hearing:	November RRC meeting
Approved:	December 1

APPENDIX D
AFFIDAVIT OF WORKERS' COMPENSATION COVERAGE
N.C.G.S. §87-14

The undersigned applicant for Building Permit # _____ being the

- _____ Contractor
- _____ Owner
- _____ Officer/Agent of the Contractor or Owner

Do hereby aver under penalties of perjury that the person(s), firm(s) or corporation(s) performing the work set forth in the permit:

- _____ has/have three (3) or more employees and have obtained workers' compensation insurance to cover them,
- _____ has/have one or more subcontractor(s) and have obtained workers' compensation insurance to cover them,
- _____ has/have one or more subcontractor(s) who has/have their own policy of workers' compensation covering themselves,
- _____ has/have not more than two (2) employees and no subcontractors,

while working on the project for which this permit is sought. It is understood that the Inspection Department issuing the permit may require certificates of coverage of workers, compensation insurance prior to issuance of the permit and at any time during the permitted work from any person, firm or corporation carrying out the work.

Firm name: _____
By: _____
Title: _____
Date: _____



**APPENDIX E
APPEALS
NORTH CAROLINA
BUILDING CODE COUNCIL**

325 North Salisbury Street, Room 5_44
Raleigh, North Carolina 27603
(919) 647-0019

APPEAL TO NCDOI/NCBCC

Hearing Date _____/_____/_____

GS 153A-374, GS 160A-434
Formal Interpretation by NCDOI _____
Appeal of Local Decision to NCDOI _____

GS 143-140, GS 143-141
Appeal of Local Decision to NCBCC _____
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:

Signature _____

DATE: _____

APPEAL TO NCDOI/NCBCC

FORM 3/14/17

202.9 Appeals.

202.9.1 Engineering Division. A written technical interpretation shall be provided as specified in Section 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)

203.2.1 Interpretations.

203.2.1.1 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.

203.2.1.2 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 web site. (General Statute 143-140)

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. A copy of the appeal and written decision shall be furnished to each party.

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

202.9.2 Building Code Council. The Building Code Council shall hear appeals from the decisions of a 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 NC Department of Insurance, Engineering

Division, 325 North Salisbury Street, Room 544, Raleigh, NC 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 30 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:

- (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 interpreta-

tion 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)]

APPENDIX F

STATE OF NORTH CAROLINA

**OWNER EXEMPTION AFFIDAVIT
PURSUANT TO G.S. 87-14(a)(1)**

COUNTY OF _____

_____ Inspections Department

Address and Parcel Identification of Real Property Where Building is to be Constructed or Altered:
_____.

I, _____,
(Print Full Name)

hereby claim an exemption from licensure under G.S. 87-1(b)(2) by initialing the relevant provision in paragraph 1 and initialing paragraphs 2-4 below and attesting to the following:

1. _____ I certify that I am the owner of the property set forth above on which this building is to be constructed or altered;

OR

_____ I am legally authorized to act on behalf of the firm or corporation which is constructing or altering this building on the property owned by the firm or corporation as set forth above (name of firm or corporation: _____);

2. _____ I will personally superintend and manage all aspects of the construction or alteration of the building and that duty will not be delegated to any person not duly licensed under the terms of Article 1 of Chapter 87 of the General Statutes of North Carolina;

3. _____ I will be personally present for all inspections required by the North Carolina State Building Code, unless the plans for the construction or alteration of the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes of North Carolina;

4. _____ I understand that a copy of this AFFIDAVIT will be transmitted to the North Carolina Licensing Board for General Contractors for verification that I am validly entitled to claim an exemption under G.S. 87-1(b)(2) for the building construction or alteration specified herein. I further understand that, if the North Carolina Licensing Board for General Contractors determines that I was not entitled to claim this exemption, the building permit issued for the building construction or alteration specified herein shall be revoked pursuant to G.S. 153A-362 or G.S. 160A-422.

(Signature of Affiant) Date

Sworn to (or affirmed) and Subscribed before me this the ___ day of _____, 20___

Signature of Notary Public

Printed Name of Notary Public

My Commission Expires: _____ (Notary Stamp or Seal)

(NOTE: It is a Class F felony to willfully commit perjury in any affidavit taken pursuant to law—G.S. 14-209)

To: All NC Building Code Enforcement Jurisdictions

The North Carolina Licensing Board for General Contractors is currently implementing procedures to comply with recently enacted changes to NC General Statute 87-14. Effective June 27, 2011 for projects costing \$30,000 or more, property owners claiming exemption to the general contractor licensing requirement when applying for a building permit are required, before being entitled to the permit, to execute a verified affidavit attesting:

- a. That the person is the owner of the property on which the building is being constructed or, in the case of a firm or corporation, is legally authorized to act on behalf of the firm or corporation.
- b. That the person will personally superintend and manage all aspects of the construction of the building and that the duty will not be delegated to any other person not duly licensed.
- c. That the person will be personally present for all inspections required by the North Carolina State Building Code, unless the plans for the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes.

The statute further requires that a copy of the affidavit be transmitted to the North Carolina Licensing Board for General Contractors for the purpose of verifying the applicant was validly entitled to claim the exemption. If during the permitting process any irregularities are detected that call in to question whether a permit applicant is fully complying with all applicable laws, the person issuing the permit should make note of the circumstances when forwarding information to the Board and provide a copy of the building permit application, including contact information for any subcontractors listed. **Please be aware the new requirements are not intended to delay the issuance of the building permit. When the person applying for the building permit reasonably satisfies the permitting authority that the applicable laws are being complied with, and executes all required documents, the building permit should be issued without delay.** Upon review of the documents, should any irregularities be detected that require further action, the Board's staff will contact the code enforcement authority.

Whenever possible, the most practical method of submitting affidavits to the Board is to scan the documents and transmit them as PDF email attachments to the appropriate Field Investigator serving the various code enforcement jurisdictions throughout the state. Specific email addresses have been set up for this purpose. Alternately, the documents may be faxed or sent via US Mail. Attached to this email are pages with the assigned territories, email addresses for affidavit transmittal, fax numbers and contact information for the Board's field staff. Please contact the staff member serving your area with any questions you may have. Also attached to this email is a model affidavit developed by the NC Home Builders Association in conjunction with the UNC School of Government. You may use this model affidavit or develop your own, as long as all the required information is provided. Additional information is available on the UNC School of Government website using the following link: <http://www.sog.unc.edu/node/767>.

Thank you for your assistance in this matter. The Board sincerely appreciates your cooperation in implementing these new requirements.

Field Investigator Districts

Mike Silver (Western) 828-688-3803, Fax: 828-688-2011

Affidavit Email: mikesilver@ncibgc.org

Alexander	Buncombe	Cherokee	Haywood	Madison	Rutherford	Wilkes
Alleghany	Burke	Clay	Henderson	McDowell	Swain	Yadkin
Ashe	Caldwell	Cleveland	Jackson	Mitchell	Transylvania	Yancey
Avery	Catawba	Graham	Macon	Polk	Watauga	

Curtis Huff (Upper Piedmont) 919-690-8734, Fax: 919-690-8739

Affidavit Email: curtishuff@ncibgc.org

Alamance	Forsyth	Nash	Stokes
Caswell	Guilford	Orange	Surry
Chatham	Halifax	Person	Wake
Durham	Harnett	Rockingham	Warren

Kenny McCombs (Lower Piedmont) 704-933-5554, Fax: 704-933-5554

Affidavit Email: kennymccombs@ncibgc.org

Anson	Gaston	Montgomery	Union
Cabarrus	Iredell	Randolph	
Davie	Lincoln	Rowan	
Davidson	Mecklenburg	Stanly	

Mike Brown (Coastal-North Eastern) 252-758-3040, Fax: 252-758-3080

Affidavit Email: mikebrown@ncibgc.org

Beaufort	Currituck	Gates	Hyde	Pamlico	Tyrell	Wilson
Bertie	Dare	Granville	Lenoir	Pasquotank	Vance	
Camden	Edgecombe	Greene	Martin	Perquimans	Washington	
Chowan	Franklin	Hertford	Northampton	Pitt	Wayne	

Joel A. Macon (Coastal-South Eastern) 910-458-8899, Fax: 910-458-8899

Affidavit Email: joelmacon@ncibgc.org

Bladen	Craven	Johnston	New Hanover	Robeson
Brunswick	Cumberland	Jones	Onslow	Sampson
Carteret	Duplin	Lee	Pender	Scotland
Columbus	Hoke	Moore	Richmond	

Affidavits transmitted to the Board via US Mail should be sent to:

Susan Sullivan

NC Licensing Board for General Contractors

P.O. Box 17187

Raleigh, North Carolina 27619

