

§ 143-141. Appeals to Building Code Council and Residential Code Council.

(a) Method of Appeal. – Whenever any person desires to take an appeal to the responsible Code Council from the decision of a State enforcement agency relating to any matter under this Article or under the North Carolina State Building Code, the appellant shall within 30 days after the decision give written notice of appeal to the responsible Code Council through the Division of Engineering of the Department of Insurance. A copy of the notice of appeal shall be filed at the same time with the enforcement agency from which the appeal is taken. The chairman of the responsible Code Council shall fix a reasonable time and place for a hearing, giving reasonable notice to the appellant and to the enforcement agency. Such hearing shall be not later than the next regular meeting of the responsible Code Council. The responsible Code Council shall thereupon conduct a full and complete hearing as to the matters in controversy, after which it shall within a reasonable time give a written decision setting forth its findings of fact and its conclusions.

(b) Interpretations of the Code. – The responsible Code Council shall have the duty, in hearing appeals, to give interpretations of such provisions of the North Carolina State Building Code pertinent to the appeal. Where the responsible Code Council finds that an enforcement agency was in error in its interpretation of the Code, it shall remand the case to the agency with instructions to take such action as it directs. Interpretations by the responsible Code Council and local enforcement officials shall be based on a reasonable construction of the Code provisions.

(c) Variations of the Code. – Where the responsible Code Council finds on appeal that materials or methods of construction proposed to be used are as good as those required by the Code, it shall remand the case to the enforcement agency with instructions to permit the use of such materials or methods of construction. The responsible Code Council shall thereupon immediately initiate procedures for amending the Code as necessary to permit the use of such materials or methods of construction.

(c1) Posting on State Fire Marshal Website. – The Office of the State Fire Marshal shall post and maintain on that portion of its website devoted to the responsible Code Council all appeal decisions, interpretations, and variations of the Code issued by the responsible Code Council within 10 business days of issuance.

(d) Further Appeals to the Courts. – Whenever any person desires to take an appeal from a decision of the responsible Code Council or from the decision of an enforcement agency (with or without an appeal to the responsible Code Council), the appellant may take an appeal either to the Wake County Superior Court or to 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. (1957, c. 1138; 1973, c. 1331, s. 3; 1987, c. 827, s. 1; 1997-26, s. 7; 2015-145, s. 6.1; 2023-108, s. 1(a); 2023-151, s. 11.61.)