

**NC Department of Insurance
Office of the State Fire Marshal - Engineering Division
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919-647-0000**

Guidance Paper: Certificates of Occupancy

Code: 2012 NC Administrative Code and Policies

Date: 12/13/2017

Section: 204.8

General Statutes: GS 153A-353 and GS 160A-423

Question #1:

What are some different types of Certificates of Occupancy?

Opinion:

N.C.G.S. §160A-423 requires a Certificate of Compliance (CC) be issued by an inspection department prior to occupancy of a building. NC Administrative Code and Policies Section 204.8.1 specifies that “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 issue a certificate of compliance.” A Certificate of Compliance certifies a building is code compliant to the point that it was permitted; a Certificate of Occupancy (CO) certifies a building is compliant to the point that it is ready to be occupied. Below are several types of CO’s that a Code Official can consider along with a brief description of each.

Final CO: A *Final Certificate of Occupancy* (CO) is issued after all trades have been finalized and any code violations have been corrected.

Temporary CO: A *Temporary Certificate of Occupancy* (TCO) permits the owner/operator to have full use of the building without the building final being approved. The suggested maximum time frame for a Temporary CO is **60 days**, which could be extended to a maximum of 180 days, during which, all minor code violations must be corrected and the final inspections called in and approved. All trades including building, plumbing, mechanical, electrical and fire must either be signed off or agree to a temporary CO. There can be no life-safety issues including overhead work.

Stocking CO: A *Stocking Certificate of Occupancy* (SCO) permits the owner/operator of the building to have non-construction personnel inside the building for the sole purpose of stocking the building with furniture, fixtures, equipment, shelves and racks with merchandise. No other occupancy is allowed. This is a variation of a TCO. All trades including building, plumbing, mechanical, electrical and fire must give their approvals for a stocking CO. There can be no overhead work being performed. There can be no life-safety issues. There must be a minimum of one accessible working toilet,

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one accessible parking space and an accessible route from that parking space into the building and to employee work areas. There must be safe egress from the building. No hazardous materials are permitted.

Both a TCO or SCO should specify in writing what areas or floors of the building are safe for the uses and occupancy intended. Please note that it is possible, and common, on a shell building for one permit holder to obtain the CC but not a CO, as the up-fit for occupancy may be done by a different permit holder.

TCO's and SCO's are often issued so staff can become familiar with the building and implement Fire Code Chapter 4 requirements before public occupancy. This is common with A-2 uses. It is not uncommon for TCO's to be associated with incomplete Zoning requirements, even though all trades are complete.

Question #2:

What is the occupancy of a building with regards to a TCO or SCO?

Opinion:

The sole purpose of stocking the building with furniture, fixtures, equipment, shelves and racks with merchandise should not be considered occupancy.

Question #3:

Can an owner/operator's property be placed into a building before a Final CO is issued?

Opinion:

Where a TCO has been issued, an owner/operator can place property such as furniture, products, contents, office supplies, fixtures, equipment, etc. into a building. The purpose of such action should only be allowed in those areas that do not constitute a hazardous condition.

Important Notes:

1. A jurisdiction may require an indemnification agreement to protect the jurisdiction from any liability before a final CO is issued on the owners/operator's property.
2. The permanent address must be posted on the building in accordance with the North Carolina Building Code, Section 501.2 at time of the TCO.
3. Construction materials and debris must be removed from all areas in which a TCO is being requested.
4. For fixtures or electrical equipment to be placed within a building, the electrical must be signed off or agree to a TCO.
5. The contractor must have approved sprinkler plans on site. The inspector will perform a visual inspection of all sprinkler heads to assure that the heads are unobstructed. Buildings required to have sprinkler protection must have the *entire building protected* before any portions would be allowed a TCO.
6. Handrails/Guardrails must be installed on steps/stairways, handicapped ramps and landings.

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7. All rated assemblies shall be completed and structure protected before any level is to be occupied in a building.
8. If a fire alarm system is installed, a visual inspection and letter certifying that the system is in working order must be presented to both the Building Code Official and the Fire Code Official.
9. *All Life safety systems* must be installed and tested prior to the TCO inspection and before the first occupancy of a multiple occupant building.
10. At least one elevator indicated in the scope of work is to be installed and operational with NC Department of Labor approval unless at the discretion of a Code Enforcement Official or recommendation from the NC Department of Insurance.
11. Sidewalks leading to occupied areas must be completed in addition to all parts of the means of egress serving that occupied space.
12. Any additional requirements as specified by a Code Enforcement Official to ensure the proper safety of life (Example: Shell buildings, Special Occupancies) must be complete.
13. For more insight into a TCO or SCO, please contact your local jurisdiction or contact the North Carolina Department of Insurance at 919-647-0000.

References: {§ 153A-353 - Similar - Not shown}

1. § 160A-423 – *"At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection, and if he finds that the completed work complies with all applicable State and local laws and with the terms of the permit, he shall issue a certificate of compliance. No new building or part thereof may be occupied, and no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied, until the inspection department has issued a certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the inspector finds may safely be occupied prior to final completion of the entire building. Violation of this section shall constitute a Class 1 misdemeanor. (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 66; 1993, c. 539, s. 1092; 1994, Ex. Sess., c. 24, s. 14(c).)"*
2. *NCFC 901.5.1 Occupancy. It shall be unlawful to occupy any portion of a building or structure until the required fire detection, alarm and suppression systems have been tested and approved. (NCBC 901.5 Similar)*
3. *NCFC 105.3.3 Occupancy prohibited before approval. The building or structure shall not be occupied prior to the fire code official issuing a permit and conducting associated inspections indicating the applicable provisions of this code have been met. (This section only applies to mandatory operational permits, where applicable)*

Keywords:

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