



Inspection Result Appeal Form

The purpose of this form is to appeal an inspection result to the Chief Building Official. The appeal is applicable for use after the permit holder has appealed to the specific trade inspector’s supervisor and the result is upheld. If the inspection result is upheld by the Chief Building Official then the appellant has 10 days to appeal to the North Carolina Office of the State Fire Marshal’s Engineering Division (NCOSFM) in accordance with North Carolina General Statute §160D-1127. Please note that no further inspections will be performed until all appeals have been settled.

This form must be submitted to the Chief Building Official by e-mail to: Inspections@FayettevilleNC.Gov. The purpose of this is to document the official time of appeal. All communication will be by e-mail to document the appeal unless the Chief Building Official decides to conduct the appeal on the project site, which will be documented by the Chief Building Official. Appeal decisions will be sent to the appellant by e-mail, posted on the City of Fayetteville’s website, and sent to NCOSFM.

Please completely fill out this form and present any additional information for review.

Please print clearly and fill out completely. Incomplete forms will NOT be accepted for appeal review.

Name: _____

Company

Name: _____

Contractor license number: _____ check here if unlicensed or owner affidavit permit

Permit Number: _____

North Carolina Code Reference disputing:

Code	Section
NC Building Code	
NC Residential Code	
NC Accessibility Code	
NC Energy Conservation Code	
NC Existing Building Code	
NC Mechanical Code	
NC Fuel/ Gas Code	
NC Electrical Code	
NC Plumbing Code	

- Disputes for the NC Fire Code must be taken to the City of Fayetteville’s Fire Marshal’s Office
- Disputes for North Carolina General Statute or Administrative Code must be appealed to NCOSFM

Please print clearly

Reason for appeal and how condition is code compliant (Please attach additional documentation if needed):

Name: _____

Signature: _____ Date: _____

Decision

Date of decision: _____

Chief Building Official name: _____

Signature: _____ Date: _____

The appeal result:

NON-COMPLIANT The condition is not code compliant and the permit holder must correct the issue or appeal to NCOSFM.

COMPLIANT The condition is code compliant and the result is over-turned.

§ 160D-1127. Appeals .Unless otherwise provided by law, appeals from any order, decision, or determination by a member of a local inspection department pertaining to the State Building Code or other State building laws shall be taken to the Commissioner of Insurance or the Commissioner's designee or other official specified in G.S. 143-139 by filing a written notice with the Commissioner and with the inspection department within a period of 10 days after the order, decision, or determination. Further appeals may be taken to the State Building Code Council or to the courts as provided by law.

§ 143-139. Enforcement of Building Code. (a)Procedural Requirements. –Subject to the provisions set forth herein, the Building Code Council shall adopt such procedural requirements in the North Carolina State Building Code as shall appear reasonably necessary for adequate enforcement of the Code while safeguarding the rights of persons subject to the Code. (b)General Building Regulations. –The Insurance Commissioner shall have general authority, through the Division of Engineering of the Department of Insurance, to supervise, administer, and enforce all sections of the North Carolina State Building Code pertaining to plumbing, electrical systems, general building restrictions and regulations, heating and air conditioning, fire protection, and the construction of buildings generally, except those sections of the Code, the enforcement of which is specifically allocated to other agencies by subsections (c) through (e) below. In the exercise of the duty to supervise, administer, and enforce the North Carolina State Building Code (including local building codes which have superseded the State Building Code in a particular political subdivision pursuant to G.S.143-138(e)), the Commissioner, through the Division of Engineering, shall:(1)Cooperate with local officials and local inspectors duly appointed by the governing body of any local government pursuant to Article 11 of Chapter 160D of the General Statutes, or any other applicable statutory authority.(2)In accordance with G.S.143-139.4, timely assign a Code-enforcement official from the marketplace pool established under G.S.143-151.12(9)a. to conduct any plumbing, electrical systems, general building restrictions and regulations, heating and air-conditioning, or general construction inspection required by the North Carolina State Building Code.(3)Develop eligibility criteria for and procedures to conduct certain inspections required by the North Carolina State Building Code as remote inspections. For the purposes of this subdivision, a "remote inspection" means an inspection of the manner of construction for North Carolina State Building Code compliance that an inspector conducts by (i) interactive real-time audio and video communication with a permit holder or (ii) a review of an electronic video recording submission by a permit holder.(b1)Remedies. –In case any building or structure is maintained, erected, constructed, or reconstructed or its purpose altered, so that it becomes in violation of this Article or of the North Carolina State Building Code, either the local enforcement officer or the State Commissioner of Insurance or other State official with responsibility under this section may, in addition to other remedies, institute any appropriate action or proceeding to: (i) prevent the unlawful maintenance, erection, construction, or reconstruction or alteration of purpose, or overcrowding, (ii) restrain, correct, or abate the violation, or (iii) prevent the occupancy or use of the building, structure, or land until the violation is corrected. In addition to the civil remedies set out in G.S.160A-175 and G.S.153A-123, a county, city, or other political subdivision authorized to enforce the North Carolina State Building Code within its jurisdiction may, for the purposes stated in (i) through (iii) of this subsection, levy a civil penalty for violation of the fire prevention code of the North Carolina State Building Code, which penalty may be recovered in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after the offender has been cited for the violation. If the Commissioner or other State official institutes an action or proceeding under this section, a county, city, or other political subdivision may not institute a civil action under this section based upon the same violation. Appeals from the imposition of any remedy set forth herein, including the imposition of a civil penalty by a county, city, or other political subdivision, shall be as provided in G.S.160D-1127.