

**NC Department of Insurance
Office of the State Fire Marshal - Engineering Division
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Optional Permits

Code: 2002 North Carolina Fire Prevention Code
Section: 105.1.3

Date: May, 2005

Question:

If a jurisdiction does not adopt a permit provision in Section 105 identified as “Optional”, does that mean the code is exempted for that provision?

Answer:

No. An optional permit simply allows the jurisdiction to require the application of the permit, it does not exempt a portion of the code to be followed. A jurisdiction that creates an ordinance to require an “optional” permit establishes a way to inform the Authority Having Jurisdiction. A permit may trigger the necessity for separation of hazards, the establishment of a safety plan or an evacuation plan that may have been otherwise overlooked.

For example, Item #3 of Section 105.6.17 contains a provision for an optional permit to store, handle or use more than 60 gallons of a Class II or Class IIIA liquid. If a jurisdiction has not adopted this provision, the owner/designer is simply not required to apply for a permit from the jurisdiction when more than 60 gallons of Class II or Class IIIA liquid is stored on the property. The owner/designer is still obligated to comply with the minimum safety guidelines provided within the fire prevention code.

Keywords:

Plans, code exemption