

**NC Department of Insurance
Office of the State Fire Marshal - Engineering Division
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Community College "Earn and Learn" Program

Code: 2006 NC Fire Code
Section: General

Date: December, 2006

During the 2005-2006 legislative session, SL 2006-221 was passed containing the following modification to the General Statutes:

§ 116-44.5. Use of college or university facilities by public school students pursuant to cooperative programs.

The facilities of any constituent institution of The University of North Carolina and the facilities of any private college or university licensed in accordance with G.S. 116-15 that comply with applicable State, county, and local fire codes for those facilities may be used without modification for public school students in joint or cooperative programs such as middle or early college programs and dual enrollment programs.' "

Question #1:

Does the introduction of high-school students into a community college cooperative program represent a change of occupancy?

Answer #1:

The answer is yes. A college classroom is recognized as a Group B (business) occupancy in accordance with Chapter 2 of the North Carolina Fire Code and Chapter 3 of the North Carolina Building Code. A classroom used by high school students is defined as a Group E (educational) occupancy in accordance with the building and fire codes. When a room is switched from college students to high school students, it is a change of occupancy and is subsequently subject to the applicable code provisions identified in the technical codes (i.e. building, fire, mechanical, plumbing, electrical) referenced by Chapter 1 of the 2006 Administrative Code and Polices.

Question #2:

Does General Statute 116-44.5 mean that I cannot enforce the code for the change of occupancy?

Answer #2:

The answer is no. G.S. 116-44.5 states that the fire code cannot be enforced for buildings used as part of a joint or cooperative program. The General Statute does not exempt the application of the remaining technical codes, such as the building, mechanical, plumbing, electrical, etc...

Please note that the provisions contained in the fire code, such as the safe storage of hazardous materials, fire drills and fire department vehicle access should continue to be strongly recommended.