

**NC Department of Insurance  
Office of the State Fire Marshal - Engineering Division  
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**Fire Code Applicability in 1 or 2 Family Dwellings**

**Code:** 2009 Fire Prevention Code  
**Section:** 102.10

**Date:** July 1, 2009

**Question:** Does the Fire Code give the code official any enforcement authority on properties of 1 or 2 family dwellings?

**Answer:** Yes. The NC Fire Code is specific in its reference to the exemption of the occupancy of 1 or 2 family dwellings and the respect of one's 4<sup>th</sup> amendment rights. The NC Fire Code does regulate certain commercial uses in work/live environments such as beauty shops and barber shops, insurance or real estate offices, etc. that are open to the public. R-3 occupancies as Bed and Breakfast with five or less bedrooms and R-3 daycares; or personal hobby or crafts as home woodworking shops, etc. would also be exempt from the NC Fire Code.

Included in the scope of regulatory issues are fire apparatus access roads and required fire flows in 1 and 2 family developments. The NC Fire Code would also regulate certain open burning that is not regulated by NC Division of Environment and Natural Resources rules. Clear view violations such as but not limited to the storage and use of hazardous materials or conditions not normally used or found in typical residential environments may also be subject to the provisions of the NC State Fire Code.

**Keywords:** Occupancy, 4<sup>th</sup> amendment rights, commercial functions.