



Iredell County Development Services

P.O. Box 788 Statesville, NC 28687
349 North Center Street / Building Standards Center
Central Permitting: 704 878 3113 Commercial Plans: 704 928 2021
Administration: 704 928 2016 www.iredell.nc.us FAX: 704 878 3122

Process if Items Fail Inspection

Assuming work has been found to be unacceptable (i.e. non-code compliant or inconsistent with approved plans) the inspector results the inspection as *Rejected*. If the permit holder is uncertain of the reason for the rejection, or disputes the result; the following process should be followed for clarification and/or lodging a complaint (in most instances issues are retired within the first four items listed):

1. Access the checklist prepared by the inspector; it is linked to the inspection, and available on-line for reference. This list identifies the reason for the failure and typically includes relevant code citations (a hand written rejection slip is also to be left at the jobsite by the inspector).
If necessary the permit holder can then:
2. [Contact the inspector](#) directly via text, phone, or email requesting clarification.
3. [Schedule consultation inspection](#) to meet and discuss the rejection.
4. If this is not satisfactory, contact the Division Manager ([Bradley Nicholson](#))
5. If Division Manager is not available or able to resolve the matter, contact the Director of Building Standards ([Robby Wilkinson](#))
6. Should the rejection be an issue of interpretation, conflict within the code, or between sections of the code, the permit holder can [contact the relevant consultant at NCDOI engineering](#) (NCAP 202.9.1). Each trade (etc.) has a consultant responsible for interpretations and technical support – most respond within 24 hours. By general statute the inspector is bound by an official interpretation from NCDOI.
7. Permit holder can [appeal to the NC Building Code Council](#) (NCAP 202.9.2) if a finding from DOI is not considered satisfactory.
8. Permit holder can in turn appeal a Code Council determination to Superior Court (NCAP 202.9.3).

It should be noted that per the NC Administrative Code and Policies:

204.5.2 Permit intent. A permit issued shall be construed as permission to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes. Issuance of a permit shall not prevent the inspection department from requiring correction of errors in plans, construction or violations of this code. (General Statutes 153A-357 and 160A-417)

103.5 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of the technical codes, the Building Code Council shall have the authority to grant modifications for individual cases, after the Building Code Council finds on appeal that (1) special individual reasons, conditions, and/or circumstances exist that make the strict letter of the technical codes impractical, (2) the modification is in compliance with the intent and purpose of the technical codes, and (3) the modification does not lessen health, accessibility, life, fire-safety or structural requirements.

Commentary: Limitation on what constitutes practical difficulties.

This section is not intended to permit setting aside or ignoring a code provision; rather, it is intended to provide for the acceptance of equivalent protection. Such modifications do not, however, extend to actions that are necessary to correct violations of the code. In other words, a code violation or the expense of correcting a code violation does not necessarily constitute a practical difficulty.

NC Session Law also provides for a review of inspection decision making. This “informal process” can be initiated by contacting the Division Manager and completing a [standard form provided by DOI](#) for this purpose.

<https://www.ncleg.net/Sessions/2017/Bills/House/PDF/H252v6.pdf>

SECTION 4. (a) G.S. 153A-352 is amended by adding a new subsection to read:

“(f) Each inspection department shall implement a process for an informal internal review of inspection decisions made by the department's inspectors. This process shall include, at a minimum, the following:

- (1) Initial review by the supervisor of the inspector.
- (2) The provision in or with each permit issued by the department of (i) the name, phone number, and e-mail address of the supervisor of each inspector and (ii) a notice of availability of the informal internal review process.
- (3) Procedures the department shall follow when a permit holder or applicant requests an internal review of an inspector's decision.

Nothing in this subsection shall limit or abrogate any rights available under Chapter 150B of the General Statutes to a permit holder or applicant”.

SECTION 4. (b) G.S. 160A-412 is amended by adding a new subsection to read:

“(f) Each inspection department shall implement a process for an informal internal review of inspection decisions made by the department's inspectors. This process shall include, at a minimum, the following:

- (1) Initial review by the supervisor of the inspector.
- (2) The provision in or with each permit issued by the department of (i) the name, phone number, and e-mail address of the supervisor of each inspector and (ii) a notice of availability of the informal internal review process.
- (3) Procedures the department shall follow when a permit holder or applicant requests an internal review of an inspector's decision. Nothing in this subsection shall limit or abrogate any rights available under Chapter 150B of the General Statutes to a permit holder or applicant.”

SECTION 4. (c) Each inspection department shall report to the Joint Legislative Committee on Local Government no later than January 15 of each year on the implementation over the prior calendar year of the informal internal review process required by G.S. 153A-352(f) and G.S. 160A-412(f), as enacted by subsections (a) and (b), respectively, of this section. The report shall include the number of times the informal internal review process was utilized and the outcome of the review. An inspection department may meet the reporting requirement of this section by submitting the information required for the report to an organization of cities or counties for combination into a single report submitted on behalf of the organization's members.

SECTION 4. (d) Subsections (a) and (b) of this section become effective December 1, 2017. Subsection (c) of this section becomes effective January 1, 2018, and expires on June 30, 2022. The first reports required to be prepared pursuant to subsection (c) of this section shall be submitted no later than January 15, 2018.