

WHY DO I NEED A USE AND OCCUPANCY PERMIT?

Use and Occupancy Permits are required for businesses making little or no changes to the space. Businesses performing alterations to the space require a Building Permit.

Use and Occupancy Permits are required to satisfy provisions of both State and Local laws referenced below:

1. North Carolina State Building Code, Administrative Code and Policies section 101.3.6 (Existing buildings) reads:

Additions, alterations, repairs, replacement, rehabilitations or changes of occupancy shall be permitted to any existing structure or service system without requiring the existing systems to comply with all the requirements of the current building codes. All new work shall conform to the requirements of the technical codes for new construction except as modified by either the existing buildings code or the rehabilitation code. For any portion of an existing building or service system, that creates a hazard or unsafe condition. The code enforcement official shall determine the extent to which that portion of the existing building or service system is to be upgraded to conform to the requirements of either the Existing Buildings Code, the Rehabilitation Code or the technical codes.

2. North Carolina State Building Code, Existing Building Code section 101.2 (Scope), 407.1 (Conformance), and 1001.3 (Certificate of Occupancy required) reads:

The provisions of the International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

No change shall be made in the use or occupancy of any building unless such building is made to comply with the requirements of the International Building Code for the use or occupancy. Changes in use or occupancy in a building or portion thereof shall be such that the existing building is no less complying with the provisions of this code than the existing building or structure was prior to the change. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

A new certificate of occupancy shall be required where a change of occupancy occurs that results in a different occupancy classification as determined by Chapter 3 of the International Building Code.

3. North Carolina Electrical Code Amendments section 10.7.2 (Authority to disconnect Service Utilities) reads:

The Inspection Department shall have the authority to require disconnecting a utility service to the building, structure, or system regulated by the technical codes in case of emergency or where necessary to eliminate an imminent hazard to life or property. The Inspection Department shall have the authority disconnect a utility service when a building has been occupied prior to Certificate of Compliance, or entry into the building for purposes of making inspections cannot be readily granted. The Inspection Department shall notify the serving utility and whenever possible the owner or occupant of the building, structure, or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant shall be notified in writing within eight (8) working hours.

4. Town of Kernersville Unified Development Ordinance Chapter B-Article VI, section 6-1.2 reads:

A zoning permit shall be obtained from the Zoning Administrator prior to the following:

(i) Building or Structure. The construction, reconstruction, erection, enlargement, relocation, or structural alteration of any building or structure or part thereof, including any principal use permitted in Table 2.6, Accessory Uses (Section 2-6), Sign Regulations (Section 3-2), or any other use or improvement which requires a permit.

(ii) Change of Use. Any change of use of any building or land.

In conclusion, the Use and Occupancy Permit allows a building inspector to determine if any changes have been made to the space, and if the space has any hazardous or unsafe conditions. It also allows a building inspector to determine if any changes have been made to the occupancy classification, and if so, are they less hazardous, based on life and fire risk, than the existing use (determined by Table 706.4 of the NC State Building Code). The Use and Occupancy Permit (which also serves as a Zoning Permit) allows the Zoning Administrator to ensure all provisions of the Town's Unified Development Ordinance has been complied with in respect to zoning and land use regulations. The Electrical Code authorizes the inspector that any space occupied prior to Certificate of Compliance (or Certificate of Occupancy) is subject to service disconnection. It is important all applicable laws be complied with to ensure health, safety, and welfare of occupants and to avoid disruption in utility service.