



**MECKLENBURG COUNTY**  
Land Use and Environmental Service Agency  
Code Enforcement

**FREQUENTLY ASKED QUESTIONS (FAQ)**  
Industrial Machinery Policy

**(1) What is Industrial Machinery?**

**Response:** Equipment and Machinery used in a system of operations for the explicit purpose of producing a product. This term does not include equipment that is permanently attached to or a component part of a building and related to general building services such as ventilation, heating and cooling, plumbing, fire suppression or prevention, and general electrical transmission. See Section 4 of the Mecklenburg County Land Use and Environmental Services Agency Department Directive on Industrial Machinery for the full details of the definition of Industrial Machinery.

**(2) What information is needed in a declaration statement?**

**Response:** The name of the job or company, the address, the permit or project number from our office, the physical characteristics (size, weight, location etc.), the electrical nameplate data of the Machinery, any photos or cut sheets of the Machinery, and a description of the production process (from raw materials in, through, final product out).

**(3) Does the inspector assume that all Machinery and equipment is non-industrial and therefore subject to listing and labeling requirements unless the owner submits a declaration statement per paragraph 3?**

**Response:** Normally the inspector classifies the equipment as non-industrial; many things make up the determination of Industrial Machinery or equipment. Like what does the machine do, what does it produce, and many other factors. The owner shall provide the declaration statement for the equipment.

**(4) If the field inspector classifies my equipment as Industrial Machinery am I required to still submit the owner's declaration?**

**Response:** Yes, the owner's declaration is one of the inspectors determining factors and is required for each exemption.

- (5) **Is it possible for an owner to submit a declaration well in advance of an inspection in order to get a determination from the Department, and if necessary, go through the appeal process described in Part 3.1 before Machinery is actually put on the floor?**

**Response:** Yes, this information may be submitted during the plan review stage of the project. However this does not guarantee a full determination can be made. A field evaluation may be needed for full determination. Also, if the information provided deviates from the actual field conditions this determination may change. This is consistent with any other code interpretations made by our Department. This will allow the owner additional time to navigate the appeals process.

- (6) **Can the department withhold a CO if the owner does not submit a declaration statement requesting exemption of Machinery?**

**Response:** Yes, the declaration is a part of the process for full determination of Industrial Machinery.

- (7) **Can the department withhold a CO if there is an ongoing dispute that is under appeal per Part 3.1?**

**Response:** If the dispute involves a determination by our Department that the equipment is or is not Industrial Machinery then the equipment is not permitted to be used, and the CO or TCO may not be issued unless ordered by a court of law or the North Carolina Department of Insurance.

- (8) **Are there any other circumstances relating to "Industrial Machinery" under which a CO can be withheld?**

**Response:** No, for Industrial Machinery, however, code violations of other areas of the project that supply power to this Machinery such as improper disconnects, improper wiring methods, grounding issues, over current protection, classified areas, and location of the machine or other items may result in a CO or TCO not being issued.

- (9) **Does the SB 490 also exempt me from meeting other code requirements for my building?**

**Response:** No, all other requirements of the North Carolina building codes have to be complied with such as egress, ventilation, fire suppression, floor load requirements, electrical service, feeder and branch circuit, handicap requirements and all other building codes issues.

**(10) If my Industrial Machinery is exempt by North Carolina SB 490 do the OSHA requirements still apply to my equipment?**

**Response:** Yes, Federal & State OSHA regulations requires all electrical Machinery to be approved by a Nationally Recognized Testing Laboratory (NRTL), and apply to your entire operation including the Machinery exempted by Senate Bill 490 and you could receive huge fines for unlisted equipment.

**(11) If my Machinery or equipment is exempt by Senate Bill 490 may I do my own connection of the equipment to the electrical system?**

**Response:** No, this work has to be performed by a licensed electrical contractor; however there are some exceptions to this law.

**(12) Are permits required for the installation of the Machinery or equipment if I move them in after the CO is issued?**

**Response:** Yes, a permit for the electrical connection or other connections to the building system requires permits no matter when the Machinery or equipment is installed.

**(13) During the initial inspection, does the field inspector have the authority to classify a piece of Machinery as "Industrial" per the definitions contained in part 4?**

**Response:** Yes, the field inspector has the authority to make a preliminary determination on a piece of Machinery as "Industrial Machinery" however; a final determination can't be made until the owner provides the declaration statement for the equipment.

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