

POLICY MEMO

February 15, 2013

EXPIRATION OF PERMITS

North Carolina General Statutes:

§ 160D-1111. Expiration of building permits. A permit issued pursuant to G.S. 160D-1110 expires six months, or any lesser time fixed by ordinance of the county, after the date of issuance if the work authorized by the permit has not commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefore immediately expires. No work authorized by a permit that has expired may thereafter be performed until a new permit has been secured. (1969, c. 1066, s. 1; 1973, c. 822, s. 1.)

Mecklenburg County Building Development Ordinance:

Section 108.8.1 Time Limitations on Validity of Permits -A permit issued pursuant to Section 108.8 expires six (6) months after the date of issuance if the work authorized by the permit has not commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit is void. No work authorized by a permit that has expired may thereafter be performed until a new permit has been secured. G.S. 160D-1111 (Expiration of building permits), 160D-1110 (Building permits).

The legal language contained in the NC General Statutes and the Mecklenburg County Building Development Ordinance is fairly straight-forward, but two areas may need clarification:

1. How does the Department determine that the "Work Commenced" within the first six months for purposes of avoiding permit expiration?
2. How does the Department determine that the "Work Continued" during the 12 months since the last inspection, for purposes of avoiding permit expiration?

Work Commenced – In order for the permitted work to be considered "commenced", a portion of physical construction work, specifically authorized by the permit, must be completed prior to six (6) months after the issuance of the permit, and must be verified by a Mecklenburg County Code Official. Failure to have work verified will result in permit expiration. (Note: On projects with multiple permits, such as multi-family building sites with multiple buildings, work on each permit/building must be commenced to avoid expiration.)

Examples of qualifying work that is considered as "Work Commenced":

- Pier or footing trenches excavated, inspected/approved and poured with concrete.
- Rough under slab plumbing installed, inspected, and approved.

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- For interior electrical renovation permit, the removal of wall finishes and installation of new wiring with a “rough” inspection.
- The installation of a gas-fired heating appliance with inspection.

Examples of activity that is not considered “Work Commenced”:

- Project plans and specification created by a designer with no physical building construction.
- Site clearing or site grading/leveling for construction of a building or residence.
- An electrical “Saw service” installed to provide power for construction of a project.
- Delivery of construction materials and/or equipment to the site.
- Rough under-slab plumbing installed but not inspected and approved.
- Excavation of soil for a pier or foundation wall without an inspection approval and placement of concrete.

What if the work has commenced but not ready for the first required inspection? For any work started, but not quite ready for the first normally required inspection (example would be a partial framing or rough on a single family residence remodel where normally the first inspection would be for a complete framing or rough inspection), commencement may be verified by one of two methods prior to expiration:

1. An on-site inspection by a Mecklenburg County Code Official. Because this is an extra inspection that is not anticipated and covered by the paid permit fee, the inspection trip will be charged at an hourly rate established by the Fee Ordinance.
2. An approved letter from an NC Licensed Design Professional (signed and sealed if by PE and signed if by architect) describing and documenting the work that was performed and indicating the date observed, which must be prior to the date of permit expiration. Note: This letter does not constitute approval of the work performed nor does it authorize the permit holder to proceed with covering any work (example: pouring a footing or sheetrock of walls) without inspection approval by a Mecklenburg County Code Official. Any work found performed and covered without required inspection approval will be in violation and a stop work order will be issued until resolved.

In cases above where only minimal work is performed to protect the permit from expiration and the inspector cannot be certain that the work performed will be utilized in the final construction (example: a single pier footing on a building lot), the inspector will require a letter from an NC Licensed Design Professional (signed and sealed if by PE and signed if by architect) describing and documenting the work that was performed, verifying that the work is properly located and will be utilized in the completed project. The date of the observed work by the design professional and the inspection by a Mecklenburg County Code Official must be prior to the expiration date of the permit.

Work Continued – Work must be inspected and verified continued by a Mecklenburg County Code Official. A project that has not had work continued (that is specifically authorized by the permit) and verified by an onsite inspection for a period of 12 months or longer will be considered discontinued and the permit will be expired.

What if the work has continued but not enough to call for the next normally required inspection? For any permitted work commenced and continued, but not progressed and ready for the next scheduled inspection, continued work may be verified by an onsite inspection or by a letter by an NC Licensed Design Professional prior to permit expiration. The letter by a design professional does not constitute approval of the work performed. The same rules and approval requirements as above for start of construction shall apply).

In cases where only minimal continuing work is performed to protect the permit from expiration and the inspector cannot be certain that the work performed will be utilized in the final construction, the same rules as above for minimal start of construction shall apply.

The Code Enforcement Department Director has the discretion to consider something equivalent to the above required letter signed by an NC Licensed Design Professional.

Note: Appeals regarding permit expirations must be filed within 10 days of the expiration. After 10 days the department will not consider claims by the permit holder that the work was commenced or continued, and a new permit must be obtained at full cost for the remaining work. Application for partial credit for any unused portions of a permit fee must be submitted within 120 days of the permit expiration by completing a “Credit – Cancellation” form.