

**10A NCAC 14J .0103 APPLICABILITY – CONSTRUCTION**

- (a) A new jail or an addition or alteration to an existing jail I and II shall meet the requirements of the North Carolina State Building Codes.
- (b) An existing jail I and II shall meet the requirements of the North Carolina State Building Codes in effect at the time of construction, addition, alteration, or repair.
- (c) New jail construction or any additions or alterations to an existing jail I and II that have construction documents approved by the Construction Section on or after the readopted effective date of this Rule shall meet the requirements of this Rule and the rules of Section .1200 of this Subchapter.
- (d) Existing jail I construction is a jail that has construction documents approved by the Construction Section prior to June 1, 1990 and shall meet the requirements of this Rule and the rules of Section .1500 of this Subchapter.
- (e) Existing jail II construction is a jail that has construction documents approved by the Construction Section on or after June 1, 1990 and prior to the readopted effective date of this Rule and shall meet the requirements of:
  - (1) this Rule; and
  - (2) Rules .1202 through .1226 of this Subchapter that were in effect at the time the construction documents were approved by the Construction Section.
- (f) Previous versions of the rules of Section .1200 of this Subchapter can be accessed online at <https://www2.ncdhhs.gov/dhsr/jail/index.html>.
- (g) A jail that is closed and later reopened shall meet the requirements of Paragraph (c) of this Rule. A jail is not closed if within the same 12-month period of time the jail has either:
  - (1) housed inmates; or
  - (2) been inspected by the Construction Section as required by G.S. 153A-222.
- (h) Any existing building converted from another use to a new jail shall meet the requirements of Paragraph (c) of this Rule.
- (i) Prior to changing a jail's total design capacity by the addition or removal of bunks, the alteration of rooms, or a change in use of space, the governing body shall submit a written request of the change to the Construction Section and obtain a written approval of the change from the Construction Section. For a new jail or an existing jail I, changes to their total design capacity shall comply with the requirements for a new jail as set forth in Paragraph (c) of this Rule. For an existing jail II, changes to its total design capacity shall comply with the requirements of Paragraph (e) of this Rule.
- (j) This Rule and the rules contained in Sections .1200, .1500, .1600, and .1700 of this Subchapter are minimum requirements and are not intended to prohibit jail construction, systems, or operational conditions that exceed these minimum requirements.
- (k) The Division may grant an equivalency to allow an alternate design or functional variation from the requirements of this Rule and the rules contained in Sections .1200, .1500, .1600, and .1700 of this Subchapter. The equivalency may be granted by the Division when a governing body submits a written equivalency request to the Division that states the following:
  - (1) the rule citation and the rule requirement that will not be met;
  - (2) the justification for the equivalency; and
  - (3) how the proposed equivalency meets the intent of the corresponding rule requirement.

In determining whether to grant an equivalency request the Division shall consider whether the request will reduce the safety and operational effectiveness of the jail design and layout. The governing body shall maintain a copy of the approved equivalence issued by the Division.

- (l) If the rules, codes, or standards contained in this Subchapter conflict, the most restrictive requirement shall apply.

*History Note: Authority G.S. 153A-221;  
Eff. June 1, 1990;  
Readopted Eff. September 4, 2020.*