

Dear Board,

Our Town Attorney, in reviewing the Miller appeals accepted by our office to the Building Code of Appeals, opines that our local ordinance language requires *all construction* to meet the adopted NFPA publication.

The effect of this is that appeal #1 becomes a moot point, as even if an appeal was heard regarding whether the *adopted fire code* applies to single family dwellings, our local ordinance states “all construction”, which *would* include single family dwellings.

Appeal #2, as to the reasonable reading of the code, is still a viable appeal as the NFPA publication does allow for interpretation for reasonable alternatives.

*Durham Ordinance Section 38-5 reads:*

*38-5. Conformity to building codes required.*

*All construction in the Town of Durham shall conform to the current Life Safety Codes, National Electrical Codes and applicable state laws and NFPA & ICC adopted codes and to current applicable town ordinances and construction requirements. The current printed edition of the International Energy Conservation Code (IECC) shall be used for all energy code construction in the Town of Durham based on all Climate Zone 6 design criteria.*

*(Section 38-5 was amended by Ord. #2011-01 dated 1/24/11)*

Audrey Cline CBO  
Code Official  
Zoning Administrator  
Health Officer