



BRIAN TAYLOR
STATE FIRE MARSHAL

September 8, 2026

Mr. Mike Morton
Deputy Fire Marshal (Division Chief)
Winston-Salem Fire Department
100 E. First Street, Suite 328
Winston-Salem, NC 27101

RE: 2018 NC Building Code (NCBC), Appendix D Fire Districts

Mr. Morton:

This letter is in response to your request for a formal interpretation from the Office of State Fire Marshal ("OSFM") dated 4/17/26 and received by OSFM the same day. Requests are addressed below in the order in which they are posed.

Stated in relevant parts of the documentation received in the request:

"NCGS 160D-1128 requires incorporated cities to establish and define fire limits.

Appendix D of the North Carolina Building Code, which is adopted as part of the code, contains provisions in Section D101 .2 about which territories or areas shall be included in the fire district.

Question 1: If the fire limits adopted by a municipality do not comply with the provisions of Section D101 .2, what means exist to compel or require that municipality to modify its ordinance so that compliance is achieved?

Question 2: Cities and their makeup change over time. Are those cities obligated by law and/or code to periodically review their fire limits ordinance and alter it so that the limits comply with Section D101 .2? If so, who enforces those obligations?

Our city first established its fire limits in 1975 and last revised its fire limits ordinance in 2007. The present delineation of the city's primary fire limits do not appear to be compliant with the provisions of Section D101 .2, particularly since the makeup of the city's central business district has changed over time. It is unclear if the intent of NCGS 160D-1128 or Appendix D are that cities periodically reassess their fire limits for compliance, and it is also unclear how compliance with Appendix D can be enforced except when a city fails to define its primary fire limits altogether."

Remarks:

Attachment A comprises of the request for formal interpretation as well as all supporting information submitted with the request.

OFFICE OF STATE FIRE MARSHAL

1202 MAIL SERVICE CENTER | RALEIGH NC 27699 -1202 | TEL 919.647.0000 | FAX 866.851.6508 | NCOSFM.GOV



Law and Code Analysis: N.C.G.S. 160D-1128 (b) notes that the governing board of every incorporated municipality or city shall pass one or more ordinances establishing and defining fire limits, which shall include the principal business portions of the city and which shall be known as primary fire limits. In addition, the governing board may, in its discretion, establish and define one or more separate areas within the city as secondary fire limits.

N.C.G.S. 160D-1128 (c) notes that within the primary fire limits of any municipality or city, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall hereafter be erected, altered, repaired, or moved, either into the limits or from one place to another within the limits, except upon the permit of the local inspection department approved by the governing board and by the State Fire Marshal or the State Fire Marshal's designee. The governing board may make additional regulations for the prevention, extinguishment, or mitigation of fires within the primary fire limits.

2018 NCBC Appendix D is adopted as part of the code and the scope in Section D101.1 is the permanent rulemaking link between the requirements of 2018 NCBC Appendix D for work performed in fire districts in accordance with the series of code volumes that comprises the 2018 North Carolina State Building Code, which became effective 1/1/2019, and to the requirements of N.C.G.S. 160D-1128 for the establishment of fire limits by counties and municipalities, including cities.

....

§ 160D-1128. Fire limits.

(a) County Fire Limits. – A county may by ordinance establish and define fire limits in any area within the county and not within a city. The limits may include only business and industrial areas. Within any fire limits, no frame or wooden building or addition thereto may be erected, altered, repaired, or moved, either into the fire limits or from one place to another within the limits, except upon the permit of the inspection department and approval of the State Fire Marshal. The governing board may make additional regulations necessary for the prevention, extinguishment, or mitigation of fires within the fire limits.

(b) Municipal Fire Limits. – The governing board of every incorporated city shall pass one or more ordinances establishing and defining fire limits, which shall include the principal business portions of the city and which shall be known as primary fire limits. In addition, the governing board may, in its discretion, establish and define one or more separate areas within the city as secondary fire limits.

(c) Restrictions Within Municipal Primary Fire Limits. – Within the primary fire limits of any city, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall hereafter be erected, altered, repaired, or moved, either into the limits or from one place to another within the limits, except upon the permit of the local inspection department approved by the governing board and by the State Fire Marshal or the State Fire Marshal's designee. The governing board may make additional regulations for the prevention, extinguishment, or mitigation of fires within the primary fire limits.

(d) Restrictions Within Municipal Secondary Fire Limits. – Within any secondary fire limits of any city or town, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved, except in accordance with any rules and regulations established by ordinance of the areas.

(e) Failure to Establish Municipal Primary Fire Limits. – If the governing board of any city shall fail or refuse to establish and define the primary fire limits of the city as required by law, after having such



failure or refusal called to their attention in writing by the State Fire Marshal, the State Fire Marshal shall have the power to establish the limits upon making a determination that they are necessary and in the public interest. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2023-151, s. 11.90.)

....

**APPENDIX D
FIRE DISTRICTS**

The provisions contained in this appendix are adopted as part of this code.

**SECTION D101
GENERAL**

D101.1 Scope. The fire district shall include such territory or portion as outlined in an ordinance or law entitled "An Ordinance (Resolution) Creating and Establishing a Fire District." Wherever, in such ordinance creating and establishing a fire district, reference is made to the fire district, it shall be construed to mean the fire district designated and referred to in this appendix.

....

Conclusions: N.C.G.S. 160D-1128 only requires the establishment of fire limits for municipalities or cities and is silent on any requirements for updating previously established fire limits. 2018 NCBC, Appendix D is enforceable in fire districts for work performed in accordance with the series of volumes that comprises the 2018 North Carolina State Building Code, which became effective 1/1/2019. A local government may update its fire limits, but it is not required to do so once established by law under N.C.G.S. 160D-1128.

Sincerely,

David Rittlinger, PE, LEED AP
Division Chief – Codes & Interpretations
North Carolina Office of State Fire Marshal

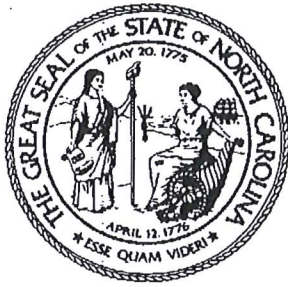
cc: Nathan Childs, NCDOJ, counsel for NC Building Code Council, nchilds@ncdoj.gov
Nicki Shaffer, NCDOJ, counsel for NC Residential Code Council, wshaffer@ncdoj.gov
Kyle Heuser, NCOSFM, Assistant General Counsel, kyle.heuser@ncdoi.gov
Pak Yip, NCOSFM, Chief Code Consultant, pak.yip@ncdoi.gov



ATTACHMENT A

(see attached pdf)





**APPENDIX E
APPEALS
NORTH CAROLINA
BUILDING CODE COUNCIL**
1429 Rock Quarry Road, Suite 105
Raleigh, North Carolina 27610
(919) 647-0008
david.rittlinger@ncdoi.gov

GS 153A-374, GS 160A-434
Formal Interpretation by NCDI _____
Appeal of Local Decision to NCDI _____

Hearing Date _____ / _____ / _____
GS 143-140, GS 143-141
Appeal of Local Decision to NCBCC _____
Appeal of NCDI Decision to NCBCC _____

APPELLANT Mike Morton **PHONE** (336) 747 - 6935 x _____
REPRESENTING Winston-Salem Fire Department
ADDRESS 100 E First St, Suite 328
CITY Winston-Salem **STATE** NC **ZIP** 27101
E-MAIL michaelcm@cityofwsfire.org **FAX** (_____) _____ - _____

North Carolina State Building Code, Volume Building - Section D101

REQUEST ONE: ☒ Formal Interpretation by NCDI ☐ Appeal of Local Decision to NCBCC
☐ Appeal of Local Decision to NCDI ☐ Appeal of NCDI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

NCGS 160D-1128 requires incorporated cities to establish and define fire limits.

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REASON:

Our city first established its fire limits in 1975 and last revised its fire limits ordinance in 2007. The present delineation of the city's primary fire limits do not appear to be compliant with the provisions of Section D101.2, particularly since the makeup of the city's central business district has changed over time. It is unclear if the intent of NCGS 160D-1128 or Appendix D are that cities periodically reassess their fire limits for compliance, and it is also unclear how compliance with Appendix D can be enforced except when a city fails to define its primary fire limits altogether.

APPEAL TO NCDI/NCBCC

Signature 

DATE: 4/17/2026 **FORM 3/14/17**