

**NC Department of Insurance  
Office of the State Fire Marshal - Engineering Division  
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**Floating Structures and Buildings**

**Code:** 2018 Building Code

**Date:** December 21, 2021

**Section:** 101.2

**Code:** 2018 Residential Code

**Section:** R101.2

**Code:** 2018 Existing Building Code

**Section:** 101.2

**Code:** 2018 Plumbing Code

**Code:** 2018 Fuel Gas Code

**Section:** 101.2

**Section:** 101.2

**Code:** 2018 Mechanical Code

**Code:** 2018 Energy Code

**Section:** 101.2

**Section:** C101.2 & R101.2

**Question:**

Are floating structures and buildings that are not permanently attached to land in any way required to comply with the NC Building Codes?

**Answer:**

No, if the structure or building meets all of the following:

- The floating structure or building can be disconnected from its mooring in less than 1 hour and without the use of tools except that a knife can be used to cut mooring ropes.
- All land utilities (water, power, sewer) are connected with quick disconnects. The disconnects are located immediately adjacent to the floating structure.

A vessel, even a vessel that is registered as a vessel with the NC Wildlife Resources Commission, that does not meet the items listed above is required to comply with the NC Building Codes.

If a floating structure or building does not fall within the scope of the NC Building Codes, it then must comply with the Coastguard requirements for water vessels (see Attachment A below) and be registered with the NC Wildlife Resources Commission.

**Keywords:**

Boat, barge, house, dwelling

# Attachment A

COMDTINST M16000.7B

USCG Marine Safety Manual, Vol. II: Materiel Inspection

## SECTION B: DOMESTIC INSPECTION PROGRAMS

### CHAPTER 4: INSPECTION PROCEDURES APPLICABLE TO VESSEL TYPES, CLASSES, AND CATEGORIES

#### 5. Public Vessels

Public (e.g., U.S. Navy and National Oceanic and Atmospheric Administration (NOAA)) vessels as defined in 46 U.S.C. 2101(24) operated for oceanographic research are not required to be inspected and certificated by the Coast Guard. However, such vessels may be inspected and certificated upon request by the parent agency and upon an interagency agreement to this effect. When public vessels are alternatively furnished a letter indicating some degree of compliance with the regulations, every effort should be made to obtain one compartment subdivision and damage stability calculations when only 100 percent lifeboatage is provided.

**NOTE:** Refer to Chapter B5 of this Manual; Inspection of Public Vessels.

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#### I. CRAFT ROUTINELY OPERATED DOCKSIDE (C-ROD)

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##### 1. Purpose and Intent

- a. The intent of this part is to give the COTPs/OCMI's guidance in determining if a Craft that is Routinely Operated Dockside (C-ROD) a vessel and subject to Inspection for Certification. Some examples of such C-RODs are showboats, theaters, hotels, gaming sites, restaurants, museums, attraction vessels, and business offices either self propelled or not.
  - b. This policy applies to any craft, including existing craft, that routinely operates dockside and does not usually get underway.
  - c. This policy does not apply to semi-submersible platforms, which are not listed as "vessels subject to inspection" under 46 U.S.C. 3301. Based on their work on the OCS, semi-submersible platforms are inspected under 43 U.S.C. 1333.
  - d. Nothing in this policy alters requirements for attraction vessels outlined in Section B of this Manual. While attraction vessels may be considered to be routinely operated dockside, they are still vessels.
  - e. OCMI's are not required to make any Vessel/PMC determinations unless an application for inspection is submitted to the OCMI by the craft operator and the OCMI has reason to believe the craft is or will not be a vessel.
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## 2. Discussion

- a. In 2005, the Supreme Court issued its decision in *Stewart v. Dutra Construction Company, Inc.*, 543 U.S. 481, 125 S.Ct. 1118 (2005). That case held that a dredge is a “vessel” under 1 U.S.C. 3. The Supreme Court decided that 1 U.S.C. 3 provides the defining criteria for determining what constitutes a vessel wherever the U.S.C. refers to “vessel” as a jurisdictional criterion. In determining whether a particular craft is also a vessel, the “question remains in all cases whether the watercraft’s use ‘as a means of transportation on water’ is a practical possibility or merely a theoretical one.” 543 U.S. at 496.
- b. Prior to this Supreme Court decision, various circuit courts of appeal had applied different tests to determine whether a particular craft was a vessel, depending on statute and the individual facts of each case.
- c. Historically, the Coast Guard attempted to apply the different tests so as to provide maximum flexibility in achieving the purpose of the particular statute being administered. After *Stewart v. Dutra Construction Company, Inc.*, it is clear that an OCMI must apply the single test of whether a craft is used, or is practically capable of being used, as a means of transportation on water.
  - (1) *Stewart v. Dutra Construction Company, Inc.* implies that a “permanently moored vessel” is an oxymoron, since such a craft is neither used nor practically capable of being used as transportation on water, and therefore cannot be considered a vessel.
  - (2) Only a vessel can be inspected by the Coast Guard under the authority of 46 U.S.C. 3301.
- d. In order to conform to *Stewart v. Dutra Construction Company, Inc.*, an OCMI will only issue Certificates of Inspection to craft that routinely operate dockside and do not normally get underway if they also constitute “vessels” as defined in 1 U.S.C. 3 and interpreted in *Stewart v. Dutra Construction Company, Inc.*.
- e. The Coast Guard published a Notice of Policy in the *Federal Register* on May 11, 2009 announcing this change. (FR Vol. 74 No. 89 page 21814; Docket No. USCG–2004–17674.)

## 3. Definitions

- a. Craft means any artificial contrivance designed to float or operate on the water including “vessels” as defined below. Every vessel is a craft, but not every craft is a vessel.
- b. Craft Routinely Operated Dockside (C-ROD) means a craft which engage in commercial operations at its moorings without getting underway. C-RODs include both permanently moored craft and vessels.