

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Building Code Council

RULE CITATION: North Carolina Plumbing Code, Chapter 1

DEADLINE FOR RECEIPT: TBD

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Section 101

In 101.1, p.1, you state that “[r]eferences to the International Codes shall mean the North Carolina Codes.” How does this work with the numbering of the different sections and subsections? For instance, if there is a cross-reference to Section 105.2 of the International Code, but the NC Code added two subsections ahead of 105.2, wouldn’t the numbering be wrong?

In 101.2, you’ve deleted “to” following “apply” in the first sentence. I think it should be restored for grammar.

It appears to me the last sentence of 101.2 and 101.5 are duplicative. Consider deleting the sentence in 101.2.

*In the Exception to 101.2, it says that detached one- and two-family dwellings and townhouses not more than three stories “shall comply with this code **or** the North Carolina Residential Code.” When would an owner need to comply with the Residential Code over the Plumbing Code? Are there conflicts?*

In 101.3, please define “reasonable”.

In 101.5, what is the “adopting ordinance”?

Section 102

In 102.1, I’m assuming that you mean a general and specific requirement of the Residential Code? Would there be a situation where there was a general requirement in the Plumbing Code and a more specific requirement in another Code?

What is the purpose of 102.2.1? Is it to say that the Existing Building Code has no provisions pertaining to plumbing?

In 102.3, p.2, is there a definition for “safe and sanitary”?

Brian Liebman
Commission Counsel

Date submitted to agency: February 8, 2024

In 102.3, what happens if it cannot be determined what edition of the code a device or safeguard was installed under?

In 102.3, second paragraph, how does a reinspection establish whether the owner or owner's agent is responsible for the maintenance of the plumbing system? I don't have a problem with requiring an owner or his agent to be responsible for maintenance, but I don't understand how the reinspection "determine[s] compliance with this provision."

In 102.4, were "renovations" intentionally left out of the second sentence?

In 102.4, second paragraph, define "minor".

In 102.4, second paragraph, define "hazardous".

In 102.5, how is the intent of the provision of law ascertained by the code official?

In 102.7, does this mean that a building that is moved is considered new under this code? i.e. that all plumbing within the building must be brought up to the current code?

I don't quite understand the distinction between 102.8.1 and 102.8.2. It seems like they both say that the Residential Code prevails over any referenced code. What exactly does it mean to have "subject matter that is within the scope of this code"?

In 102.9, this suggests that the code official has the authority to essentially make up new requirements that he considers "necessary for the strength, stability, or proper operation of an existing or proposed plumbing system". Is there statutory authority for this?

In 102.10, does a local "law" also mean a local code? G.S. 143-138(e) states that the Building Code applies statewide and that no local codes may be effective without BCC approval.

Sections 103, 104, 106, and 108-115

Where in the Administrative Code are these contained? Consider cross-references.

Section 105

Are there citations for the statutory authority for Sections 105.1 and 105.2? I recall that in the Admin Code, Section 103.6 allows the Council to make modifications, as contemplated in G.S. 143-141, but I don't see anything allowing a code official to do this.

In 105.2, p.3, please define "satisfactory" and explain by what standard the code official would use to determine this.

In 105.2, delete "and" following "satisfactory".

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Commission Counsel

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In 105.2, mostly for my own understanding, how is “fire resistance” related to plumbing?

In 105.2, it says the code official, having denied approval, shall “respond” in writing. To whom? Moreover, is the code official only required to state the reasons the alternative was not approved if someone asks? How is that request to be submitted?

In 105.2.1, what is an “approved source”? The term “approved” is defined in Chapter 2 of the 2018 code (which is what I have at this time), but there is no information provided there to say what standards the code official would use to approve a source.

In 105.3.3, for clarity it may be best to specify the retention period explicitly, as state guidelines for retention of public records may differ depending on the agency and context.

Section 107

In 107.1, to be clear, the extension would be beyond the 180 days mentioned here?

Also, in 107.1, what constitutes “cause”?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.