

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

AGENCY: North Carolina Building Code

RULE CITATION: 2018 NC Building Code Table 2902.1 and Section 202; NC Plumbing Code Table 403.1 and Section 202.

DEADLINE FOR RECEIPT: Tuesday, May 9, 2023.

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:

In Section 202, the new definition for “Travel distance, plumbing fixture access”, is there any particular meaning for “natural, unobstructed and accessible path”?

I noticed that “toilet room” and “plumbing fixture” are defined in Section 202 of the Plumbing Code, but not in the Building Code. Two questions: (1) was it intentional not to define these terms in the Building Code? (2) do these terms need to be italicized in the Building Code anyway, since the Building Code provisions are basically a cross-reference to the Plumbing Code?

Regardless of the above, please italicize “toilet room” and “plumbing fixture” in the footnote to Table 403.1 in the Plumbing Code, and in the definition of “Travel distance, plumbing fixture access” in Section 202 of the Plumbing Code.

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

Brian Liebman
Commission Counsel

Date submitted to agency: April 25, 2023

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2018 NC Building Code
Table 2902.1 (220913 Item B-1)

**[P] TABLE 2902.1
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES**

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (URINALS: SEE SECTION 419.2 OF THE INTERNATIONAL PLUMBING CODE)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410 OF THE INTERNATIONAL PLUMBING CODE)	OTHER
				MALE	FEMALE	MALE	FEMALE			
1	Assembly (See Sections 403.2, 403.3 and 403.3.3.2)	A-3	Places of worship and other religious services. <u>Including churches</u> Churches without assembly halls ^c	1 per 150	1 per 75	1 per 200		-	1 per 1,000	1 service sink

e. The number of fixtures provided shall be based on either the capacity of the church sanctuary or the church educational building (including fellowship halls and multiple purpose rooms), whichever is larger ~~and within 300 feet (91.44 m).~~ Remote buildings applying this footnote shall be a maximum of 300 feet (91.44 m) exterior travel distance to the nearest entrance of the building containing required plumbing fixtures and the total plumbing fixture access travel distance shall comply with Section 2902.3.2. The path of travel between buildings is not required to be enclosed or covered when applying this footnote.

(The remainder of Table 2902.1 remains unchanged by this proposed amendment.)

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2018 NC Building Code
Section 202 - Definitions (220913 Item B-1)

Travel distance, plumbing fixture access. Travel distance shall be measured from the most remote point of each room, area or space along the natural, unobstructed and accessible path of horizontal and vertical travel to the entrance to the nearest toilet room containing plumbing fixtures required to serve the room, area or space.

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2018 NC Plumbing Code
Table 403.1 (220913 Item B-1)

TABLE 403.1 - MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (URINALS: SEE SECTION 419.2)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410)	OTHER
				MALE	FEMALE	MALE	FEMALE			
1	Assembly (See Sections 403.2, 403.3 and 403.3.3.2)	A-3	Places of worship and other religious services. <u>Including churches</u> Churches without assembly halls ^c	1 per 150	1 per 75	1 per 200		-	1 per 1,000	1 service sink

SUBMISSION FOR PERMANENT RULE

e. The number of fixtures provided shall be based on either the capacity of the church sanctuary or the church educational building (including fellowship halls and multiple purpose rooms), whichever is larger ~~and within 300 feet (91.44 m)~~. Remote buildings applying this footnote shall be a maximum of 300 feet (91.44 m) exterior travel distance to the nearest entrance of the building containing required plumbing fixtures and the total *plumbing fixture access travel distance* shall comply with Section 403.3.3. The path of travel between buildings is not required to be enclosed or covered when applying this footnote.

(The remainder of Table 403.1 remains unchanged by this proposed amendment.)

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2018 NC Plumbing Code
Section 202 - Definitions (220913 Item B-1)

Travel distance, plumbing fixture access. Travel distance shall be measured from the most remote point of each room, area or space along the natural, unobstructed and accessible path of horizontal and vertical travel to the entrance to the nearest toilet room containing plumbing fixtures required to serve the room, area or space.

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

AGENCY: North Carolina Building Code

RULE CITATION: 2018 NC Building Code Table 1004.1.2 and NC Fire Code Table 1004.1.2.

DEADLINE FOR RECEIPT: Tuesday, May 9, 2023.

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:

In footnote d for both tables, you refer to "NCAC 18A.2522". This looks like a reference to an administrative rule, but you need the title number. It should say something like "21 NCAC 18A .2522". (I'm just making something up here, don't know that it is in Title 21).

Also put a space between "18A" and ".2522".

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

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1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2018 NC Building Code Table 1004.1.2 and NC Fire Code Table 1004.1.2 (220913 Item B-2)	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 26, 2022 Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice Hearing on: December 13, 2022 Adoption by Agency on: March 14, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input checked="" type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: The swimming pool deck area identified in the new footnote is required for occupant circulation around a swimming pool and will be the same occupants that are already accounted for in the swimming pool or on the remainder of the pool deck. This will reflect a more accurate quantity of required exits and plumbing fixtures. The delayed effective date of this Rule is January 1, 2024. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
10. Rulemaking Coordinator: David B. Rittlinger David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: David B. Rittlinger Title: Chief Code Consultant
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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2018 NC Building Code
Table 1004.1.2 (220913 Item B-2)

**TABLE 1004.1.2
MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT^e**

Skating rinks, swimming pools, recreational courts	
Rink, pool, and recreational court	50 gross
Decks	15 gross ^d

For SI: 1 square foot = 0.0929 m², 1 foot = 304.8 mm.

- a. Floor area in square feet per occupant.
- b. An assembly occupancy conference room that is accessory to a Group B office occupancy and meeting the requirements of Section 303.1, exception 2, shall be calculated at 100 square feet per occupant for determining the overall occupant load of the associated floor. The assembly occupancy shall be calculated at 15 square feet per occupant for the purpose of determining egress from the room containing the assembly occupancy.
- c. For mixed uses sum all loads before rounding up to the next whole number.
- d. Occupant circulation area required by NCAC 18A.2522 around the edge of a swimming pool shall not be included in the deck gross floor area.

(The remainder of Table 1004.1.2 remains unchanged by this proposed amendment.)

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2018 NC Fire Code
Table 1004.1.2 (220913 Item B-2)

**TABLE 1004.1.2
MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT^e**

Skating rinks, swimming pools, recreational courts	
Rink, pool, and recreational court	50 gross
Decks	15 gross ^d

For SI: 1 square foot = 0.0929 m², 1 foot = 304.8 mm.

- a. Floor area in square feet per occupant.
- b. An assembly occupancy conference room that is accessory to a Group B office occupancy and meeting the requirements of Section 303.1, exception 2, shall be calculated at 100 square feet per occupant for determining the overall occupant load of the associated floor. The assembly occupancy shall be calculated at 15 square feet per occupant for the purpose of determining egress from the room containing the assembly occupancy.
- c. For mixed uses sum all loads before rounding up to the next whole number.
- d. Occupant circulation area required by NCAC 18A.2522 around the edge of a swimming pool shall not be included in the deck gross floor area.

(The remainder of Table 1004.1.2 remains unchanged by this proposed amendment.)