

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day,~~;~~ and”
 - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, All Provisions

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:

In their comment in opposition to the NC Energy Conservation Code, the NC Homebuilders Association encloses an email exchange between their director of Codes and Construction, Cliff Isaac, and staff at the Building Code Council regarding the Council's failure to incorporate a statutory exemption into the NC Energy Conservation Code.

In the final email of the exchange, Building Code Council member Kim Wooten states:

[t]here are many examples of building codes and state statutes not in agreement. The NCBCC adopts codes for the general welfare of the public per statute. The General Assembly may make laws that contradict codes and may affect the general welfare of NC citizens, but that effort is independent of the NCBCC (emphasis added).

In light of this statement, please disclose any and all provisions of the 2024 NC Building Code that the Council is aware are "not in agreement" with the laws of the State of North Carolina.

In your Submission of Permanent Rule Form, you've said that no fiscal note is necessary for the 2024 Building Code, and that the changes to the Code do not create a substantial economic impact. However, there appear to be changes throughout the Code that impose more stringent requirements than the existing language. Would these changes not have an aggregate effect of \$1 million across the state? Also, to the extent that those apply to residential buildings, do these changes not increase the cost of a residential housing unit by more than \$80?

Throughout the Code, there are multiple references to regulations covering greenhouses. I do see the separate change to Section 101.2 to add an exception for any farm building under G.S. 143-138(b4), which would likely satisfy most of the concerns

Brian Liebman
Commission Counsel

Date submitted to agency: May 22, 2024

I raised below. However, I think for clarity you'll need to go further and amend the definition of greenhouse in Section 202. See below.

I noticed there were a few places in the text where new language was colored blue. I assume its just a formatting error, and I don't think you need to waste time changing it at this stage, unless somehow you intended a hyperlink in those areas.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 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:

Exception 1 to 101.2 completely exempts one- and two- family dwellings and townhomes from this Code, as they are governed by the Residential Code. However, in reviewing the rest of this Code, I noticed several sections where one- and two- family dwellings and townhomes were specifically exempted from some requirements (i.e. 405.1, 406.6.2, 705.12, 901.6.1, 901.6.3, 1810.2.2, etc.) which would suggest that absent the specific exemption, one- and two- family homes/townhomes were covered by this Code. In other places, the text explicitly states that one- and two- family dwellings and townhomes are covered by this Code (903.3.1.3, 1208.2, Table 1607, items 26, 31, 1607.9.1, 1613, 1905, 2211.1.2, Table 2902.1, etc.) The examples I've provided above are not exhaustive. This is obviously inconsistent and will require some revision.

In 101.4.3, what is the "International Private Sewage Disposal Code"? I did not see this in the Plumbing Code. Is this a code promulgated by the Building Code Council? If so, where is the authority for it in G.S. 143-138?

In 101.4.6, you may need, for consistency and clarity purposes, to specify which buildings the IECC applies to.

What is the difference between 102.6 and 102.6.2? Does 102.6 apply to existing, occupied structures, and 102.6.2 to existing, unoccupied structures? Why the different requirements?

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: May 22, 2024

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 2

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:

In the definition of "Accepted Engineering Practice", the term needs to be bolded.

In the definition of "Agricultural Building", how is this different from "farm building" as used in G.S. 143-138(b4) and G.S. 160D-903(a)? If they are synonymous, then please amend 101.2 and any other appropriate sections accordingly to note that fact.

In the definition of "Coastal A Zone", last sentence, you've deleted "(b)" but left "(a)". You don't need (a) without (b). Also, what is the inland limit if not delineated on a FIRM? Last, please italicize "FIRM" so it's clear that you're using a defined term.

In the definition of "Coastal High-Hazard Area", I don't think you need to use the whole term Flood Insurance Rate Map, as long as you italicize the acronym.

In the definition of "Condominium", I think the definition could be written more clearly. If I understand it correctly, please consider:

Condominium. *(1) Two or more Group R-3 dwellings located on a single parcel of land, in which each dwelling is separately owned, or (2) any group R-2 dwelling in which each dwelling is separately owned.*

In the definition of "Explosive" the reference to the United States Code should say "Chapter 40 of Title 18 of the United States Code" or "18 U.S.C. Chapter 40".

Maybe I just don't understand, but are there errors in the clause "1.4G by the hazardous materials regulations of DOTn 49 CFR Parts 100-185."? What is the meaning of "1.4G"? What is "DOTn"?

In the definition of "Mass-detonating explosives" what is a "considerable discharge" of energy?

Brian Liebman
Commission Counsel

Date submitted to agency: May 22, 2024

Is the definition of “Greenhouse” consistent with the definition offered in other codes? I believe the BCC defined “greenhouse” in the NC Energy Conservation Code earlier this year. Moreover, is it consistent with G.S. 143-138(b4)? The Code uses the italicized term fairly often, which doesn’t contain the exemption. Given that the kinds of greenhouses regulated under the Code are fairly limited, and it is a fine point as to what is covered by the Code and what isn’t, I think you may want to revise the definition here to provide greater clarity to the public. This request stands even if the change to 101.2 is made.

In the definition of “Highly Toxic”, I do not believe the last paragraph (“Mixtures of these materials competent persons.”) meets the definition of a rule. It really isn’t a statement of general applicability, and is quite vague. Please either rephrase in more specific terms (i.e. define ordinary materials, specify when the mixture would not be classified as highly toxic, define what level of experience or technical competence is required), or delete.

In the definition of “Live/Work Unit” what is a “significant portion”?

In the definition of “Plastic Glazing” the last few words are in blue. I’m assuming it’s just a formatting error, but wanted to make sure there wasn’t a link intended here. Same for the definition of “Treated Wood”.

In the definition of “Respite Care Facility”, please delete the “to” between “not” and “exceed” in the last sentence.

In the definitions of “Supervising Station”, “Supervisory Service”, “Supervisory Signal”, and “Supervisory Signal-Initiating Device”, each is followed with “(match NCFC)” at the end. I’m assuming those are internal editing notes that you’d like to delete?

In the definition of “Underlayment”, all the new text after the deletion of “is applied” is italicized.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 3

DEADLINE FOR RECEIPT: TBD

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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 303.4, how does classifying “Greenhouses for the conservation and exhibition of plants that provide public access” comport with G.S. 143-138(b4), which explicitly states that greenhouses shall not be classified?

In 306.2, “Motion pictures and television filming (without spectators)” is listed as falling within Factory Group F-1. I believe this refers to permanent film and television sets and soundstages, but it might be worth clarifying in light of G.S. 143-138(b20), which exempts temporary sets from classification under the Building Code. (Note, this would be satisfied with the separate change to add exception 8 to 101.2.)

In 312.1.1, how does classifying greenhouses as Group U (if not otherwise classified) comport with G.S. 143-138(b4) which explicitly states that greenhouses shall not be classified? This seems to defeat the purpose of adding the exemption for greenhouses to Section 101.2.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 4

DEADLINE FOR RECEIPT: TBD

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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 402.2, did you mean that the buildings and garages shall be surrounded on all sides by “a permanent open space of not less than 60 feet”? It currently says “or not less than 60 feet”.

In 414.1.2.1, I believe the references to Level 2 and 3 aerosol products should be italicized.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 5

DEADLINE FOR RECEIPT: TBD

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

In the last paragraph of 506.2.1, the last sentence in blue. I'm assuming it's just a formatting error, but wanted to make sure there wasn't a link intended here.

In 506.2.2.1, what is the symbol (it looks like a box) added after the text?

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 6

DEADLINE FOR RECEIPT: TBD

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

In 602.4.4, the changes are in blue. I'm assuming it's just a formatting error.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 7

DEADLINE FOR RECEIPT: TBD

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

Exception 2 to 706.6.1 is cut in half in the middle of the word “rated” and placed on separate lines.

Section 717.5.2 is accidentally labeled “17.5.2”.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 8

DEADLINE FOR RECEIPT: TBD

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

Throughout 813.15.1 and 813.15.2, there are numerous bolded terms. What significance is the bolding?

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 9

DEADLINE FOR RECEIPT: TBD

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

In 901.2, I do not understand the second paragraph (“Any fire protection . . . required system.”) or the following exception (“Any fire protection . . . meets the requirements of this code.”). Both seem to be self-contradictory. Please explain and revise the text for clarity.

903.2.8.3.1 and 903.2.8.3.2 are both underlined and struck through. That is improper formatting, and it isn’t clear whether the text is being added or removed. Please clarify.

In 907.5.2.1.3.2, on the last line, it should say “complying with NFPA 72.”

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 10

DEADLINE FOR RECEIPT: TBD

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

It is obvious that your intent is to delete Section 1002.1, but there are underlined terms in the list of definitions, which indicates additions to the text. What is the significance of the underlining?

In Exception 11 to 1010.1.1, your text is in blue again. Same question as earlier.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 11

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:

Throughout Ch. 11, there are requirements that particular areas or structures be “accessible”. For example, in 1106.8, parking meters and pay stations are required only to be “accessible.” However, the term “accessible” means only that it meet the requirements of Ch. 11. Thus, without further specificity, these requirements are circular and vague. Please specify exactly what portions of Ch. 11 these areas or structures must meet.

In 1103.2.4, Exception 2, when is accessible parking required? Consider a cross reference to Section 1106.

In 1108.4, “accessible” should be italicized.

Separate Change to 1109.2

In the separate amendment to 1109.2, it is labeled “Toilet and bathing facilities”, however the 1109.2 in the main Code is “Assembly area seating.” I believe this should be 1110.2. Please make the appropriate changes in the rule text and the form.

You already have an Exception 8 in 1110.2. Is this change meant to replace what is in the main Code? Or would this be Exception 10, instead?

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 12

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:

Is the reference to Section R402.4.1.2 of the Energy Conservation Code accurate, in light of the Commission's objection to that section at the April meeting?

In 1210.3, by "outside entry or exit doorways" I'm assuming you mean the door to the building? Or does this refer to those bathrooms where there's a kind of vestibule between the rest of the building and the restroom itself? Also, can you clarify what the second sentence regarding mirrors is intended to do?

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 15

DEADLINE FOR RECEIPT: TBD

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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 1502.2, did you mean “shall comply with Section 1611 and Chapter 11” of the Plumbing Code?

In Exception 2 to 1512.1, what is the significance of the asterisk at the end of the text? I couldn't find a corresponding footnote or endnote.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 17

DEADLINE FOR RECEIPT: TBD

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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 Exception 1 to 1704.2, please define “minor nature”.

Also in Exception 1 to 1704.2, what kind of conditions in the jurisdiction would obviate the need for an inspection?

In Exception 2 to 1704.2, when would the building official require inspection for a Group U accessory structure?

Can you please clarify Exception 4 to 1704.2? The contractor is permitted to employ the approved agency to do what? Also, where the contractor is the owner of what? The property? The approved agency?

Do I understand 1704.2.1 correctly that the people performing the work that requires special inspection are also permitted to act as the special inspector approving the same work?

In 1705.1.1, what is “unusual”? You use the term again in example 2, which cuts against the examples clarifying the main body of the rule.

Also, in 1705.1.1, why does an alternative prescribed by this Code require an additional inspection? Is a prescribed alternative really an alternative when it carries an additional burden?

In 1705.10, who would have the reasonable doubt? What is a “reasonable” doubt? I’m assuming it’s not the same as the criminal standard.

In 1705.12, do the required inspections extend to exterior sheathing? That would run afoul of G.S. 143-138(b23).

In 1705.18, "high-rise buildings" should be italicized.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 18

DEADLINE FOR RECEIPT: TBD

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

In 1807.3 (not entirely sure) the text is cut off to the left. I don't see anything questionable about the text, but it can't be completely read. This is most of the way down p.556 of the PDF of the review aide.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 19

DEADLINE FOR RECEIPT: TBD

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

It appears that the provisions of Ch. 19 apply to construction that would otherwise be governed by the residential code. Do any of the changes here increase the cost of residential housing units by more than \$80?

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 21

DEADLINE FOR RECEIPT: TBD

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

In 2113.1.1, what level of detail is “sufficient”?

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 25

DEADLINE FOR RECEIPT: TBD

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

In 2510.6.1, does North Carolina have any dry climate zones? I recall that the NCECC classifies the entire state as either 3, 4, or 5A, which is “moist”.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 27

DEADLINE FOR RECEIPT: TBD

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

In 2702.1.2, you have an extraneous hyphen in “sep-arated”.

In exception 3 to 2702.1.2, “approved” should be italicized.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 29

DEADLINE FOR RECEIPT: TBD

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

In 2901.1, again, what is the International Private Sewage Disposal Code?

Also in 2901.1, what is the International Property Maintenance Code? This is not included in G.S. 143-136 or 138, and I do not believe it has been published or otherwise reviewed by the RRC. Do you have statutory authority to require compliance with that Code?

In 2902.8.5.5, permanent facilities are under contract for what and between whom?

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 30

DEADLINE FOR RECEIPT: TBD

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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:

I've asked generally elsewhere about cost, but specifically, would not requiring every new, altered, or repaired elevator to have an interactive audible or text based communication system, as in 3001.2, cost more than \$1 million in aggregate across the state?

In 3007.3, "approved" should be italicized.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 31

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:

In 3102.1, you apply Sections 3102.3.1 and 2102.7 to greenhouses. Greenhouses are exempted from the Code by G.S. 143-138(b4). I believe the Council lacks statutory authority for this provision.

I'm a little confused why you've decided to add "public use restroom buildings in flood hazard areas" to 3102.1, but then delete the text in Section 3114. It's a little misleading to say that this Chapter applies to public use restroom buildings in flood hazard areas when it does not.

3103.1 now requires temporary structures to comply with the accessibility requirements of Chapter 11 and Section 1009. That seems like a major change, and one that might increase costs of temporary structures to the level of a substantial economic impact. Did the Council consider the costs that would arise from this change?

Section 3112 applies only to greenhouses, which are exempted from the Code by section G.S. 143-138(b4). I believe the Council lacks statutory authority for this section.

In Section 3113, please italicize all instances of "relocatable building".

In 3113.2, item 7, what "additional" building planning and structural design data are you requiring?

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 32

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:

In 3202.5.1, what is a "special" permit?

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 33

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:

In 3305.1 there is an extraneous hyphen in “pro- vided”.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Ch. 36

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:

At the beginning of the Chapter it says this is a NC addition to the 2015 IBC and there will be no underlined text. There is underlined text, however. Consider revising.

Where is your statutory authority for the commentary to Exemption 4 to 3601.2 which states that farm structures should be limited to use by the farmer, his family, and employees?

In the definition of "Marine Borers" it should say "...enter timber and cause damage...."

In the definition of "Pile Wraps", please eliminate the "and/or".

In 3603.1, please update the name of the Department of Environmental and Natural Resources to its current name, the Department of Environmental Quality.

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

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

AGENCY: North Carolina Building Code Council

RULE CITATION: 2024 North Carolina Building Code, Appendices

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:

Appendix D

In section D101.2, where is your statutory authority to set the limits of the fire district? Also, generally to Appendix D, what requirements are imposed here that aren't already imposed by the main body of the Building Code?

Appendix G

In section G101.3, you have underlined and struck through "Section 105.2". Is this an addition or a deletion?

In G101.5, where is your statutory authority to create a floodplain administrator and allow him to delegate his duties? Additionally, what are his duties, and which ones may be delegated? Please be specific.

In G103.1, item 10, what specific building work that is otherwise exempt from permit is covered here? Please be specific.

In G104.10, what does "changed" mean? Changed from what?

In G107.1, what does it mean to be "consistent with the need to minimize flood damage"? That seems like a fairly broad and subjective term.

In G107.2, item 3, "adequate" buildable area for what?

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