

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2018 NC Administrative Code 204.3.5 (220315 Item B-7)	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
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: April 20, 2022 Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice Hearing on: June 14, 2022 Adoption by Agency on: September 13, 2022 <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 checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 2021-81 and 2021-192 <input checked="" type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: To update the 2018 NC Administrative Code and Policies to reflect changes in NC Statutes 83A-13. The delayed effective date of this Rule is January 1, 2023. 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:	

SUBMISSION FOR PERMANENT RULE

2018 NC Administrative Code

204.3.5 Design professional seal required (220315 Item B-7)

204.3.5 Design professional seal required. Where the General Statutes, North Carolina Board of Architecture and Registered Interior Designers, or the North Carolina Board of Examiners for Engineers and Land Surveyors require, no permit shall be issued unless the construction documents (~~drawings and specifications~~), (~~drawings and specifications~~) bear the North Carolina seal of a ~~registered design professional~~ *registered design professional*. ~~Construction documents~~ *Construction documents* shall include the name and address of the business entity (individual, ~~corporation~~ *corporation*, or partnership) with whom the registered design professional is affiliated. Questions concerning this section should be directed to the North Carolina Board of Architecture and Registered Interior Designers or the North Carolina Board of Examiners for Engineers and Land Surveyors.

Exceptions: ~~For permitting purposes, the seal of a registered design professional is not required when the building, structure or project involved is in one of the categories listed below, unless otherwise required pursuant to the provisions of the General Statutes or the technical codes:~~

- ~~1. A family residence, up to eight units attached with grade level exit, which is not a part of or physically connected with any other buildings or residential units;~~
- ~~2. A building upon any farm that is for the use of any farmer, unless the building is of such nature and intended for such use as to substantially involve the health or safety of the public;~~
- ~~3. An institutional or commercial building if it does not have a total cost of construction exceeding \$90,000;~~
- ~~4. An institutional or commercial building if the total building area does not exceed 2,500 square feet (2.32 m²) in gross floor area;~~
- ~~5. Alteration, remodeling or renovation of an existing building that is exempt under this section, or alteration, remodeling or renovation of an existing building or building site that does not alter or affect the structural system of the building; change the building's access or exit pattern; or change the live or dead load on the building's structural system. This subdivision shall not limit or change any other exemptions to this chapter or to the practice of engineering under Chapter 89C of the General Statutes.~~
- ~~6. The preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions utilized to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements or exemptions of this chapter.~~
- ~~7. Nothing in this chapter shall be construed to prevent any individual from making plans or data for buildings for himself or herself. This exemption does not apply to plans for places of religious worship.~~

~~(General Statute 83A-13)~~ (General Statute 83A-10 and 83A-13)

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1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2018 NCRC R101.2 and Table R302.1, 2018 NCBC Table 602 and 903.2.8 and 2018 NCFC 903.2.8 (220315 Item B-4)	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
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: April 20, 2022 Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice Hearing on: June 14, 2022 Adoption by Agency on: September 13, 2022 <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: Clarification and simplification of application of the NCRC and NCBC to multiple dwellings on a single parcel of land. This change will help keep designers and contractors in one book instead of relying on cross references between the NCBC and the NCRC. Because the use of the NCRC for construction of multiple dwellings on a single lot can currently be achieved by use of an alternate method there is no added cost or savings for this amendment. The delayed effective date of this Rule is January 1, 2025. 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:  <hr/> *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:	

SUBMISSION FOR PERMANENT RULE

2018 NC Residential Code
R101.2 Scope (220315 Item B-4)

R101.2 Scope. The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the construction, *alteration*, movement, enlargement, replacement, ~~repair~~ *repair*, *equipment*, use and occupancy, location, ~~removal~~ *removal*, and demolition of one or more detached one- and two-family dwellings dwellings and ~~townhouse~~ *townhouses* located on a parcel not more than three stories above *grade plane* in height with a separate means of ~~egress~~ *egress* and their *accessory structures* not more than three stories above *grade plane* in height. Single family ~~dwellings~~ *dwellings* otherwise permitted by this ~~code~~ *Code* shall include *bed and breakfast homes*.

Exceptions:

1. ~~Live/work units~~ *Live/work units* complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two- family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the *International Building Code* where constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section P2904.
2. Deleted.

2018 NC Residential Code
R202 DEFINITIONS (220315 Item B-4)

TOWNHOUSE. A single-family *dwelling unit* constructed in a group of two or more attached units separated by property lines ~~or assumed property lines~~ *or assumed property lines based on the location of the double wall or common wall* in which each unit extends from foundation to roof and with yard or public way on not less than two sides.

2018 NC Residential Code
Table R302.1 EXTERIOR WALLS (220315 Item B-4)

**TABLE R302.1
EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 3 feet < 5 feet ^a
	Not fire-resistance rated	0 hours	≥ 3 feet > 5 feet ^a
Projections	Fire-resistance rated	1 hour on the underside	< 3 feet < 5 feet ^a
	Not fire-resistance rated	0 hours	≥ 3 feet > 5 feet ^a
Openings in walls	Not allowed	N/A	< 3 feet < 5 feet ^a
	Unlimited	0 hours	≥ 3 feet > 5 feet ^a
Penetrations	All	Comply with Section R302.4	< 3 feet < 5 feet ^a
		None required	≥ 3 feet > 5 feet ^a

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable.

a. *Fire separation distance* requirement for multiple *dwellings* on a single parcel.

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2018 NC Building Code

Table 602 FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE (220315 Item B-4)

**TABLE 602
FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE
SEPARATION DISTANCE^{a,d,g}**

FIRE SEPARATION DISTANCE = X (feet)	TYPE OF CONSTRUCTION	OCCUPANCY GROUP H ^e	OCCUPANCY GROUP F-1, M, S-1 ^f	OCCUPANCY GROUP A, B, E, F-2, I, R ^{ij} , S-2, U ^h
$X < 5^b$	All	3	2	1
$5 \leq X < 10$	IA	3	2	1
	Others	2	1	1
$10 \leq X < 30$	IA, IB	2	1	1 ^c
	IIB, VB	1	0	0
	Others	1	1	1 ^c
$X \geq 30$	All	0	0	0

For SI: 1 foot = 304.8 mm.

a. Load-bearing exterior walls shall also comply with the fire-resistance rating requirements of Table 601.

b. See Section 706.1.1 for party walls.

c. Open parking garages complying with Section 406 shall not be required to have a fire-resistance rating.

d. The fire-resistance rating of an exterior wall is determined based upon the fire separation distance of the exterior wall and the story in which the wall is located.

e. For special requirements for Group H occupancies, see Section 415.6.

f. For special requirements for Group S aircraft hangars, see Section 412.4.1.

g. Where Table 705.8 permits nonbearing exterior walls with unlimited area of unprotected openings, the required fire-resistance rating for the exterior walls is 0 hours.

h. For a building containing only a Group U occupancy private garage or carport, the exterior wall shall not be required to have a fire-resistance rating where the fire separation distance is 5 feet (1523 mm) or greater.

~~i. For Group R-3 detached one- and two-family dwellings of any construction type and not more than three stories above grade plane in height with a separate means of egress, a fire separation distance of 5 feet or less shall be 1-hour fire resistant rated and shall be 0-hour fire resistant rated for distances greater than 5 feet.~~

~~j. For Group R-3 attached one- and two-family dwellings of any construction type separated with fire walls complying with Section 706, containing no other occupancy classification, and not more than three stories above grade plane in height with a separate means of egress, a fire separation distance of 5 feet or less shall be 1-hour fire resistant rated and shall be 0-hour fire resistant rated for distances greater than 5 feet.~~

2018 NC Building Code

903.2.8 Group R. (220315 Item B-4)

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area, except as provided for in Section 903.2.8.5.

Exceptions:

1. An automatic sprinkler system is not required in new adult and child day care facilities located in existing Group R-3 and R-4 occupancies.

2. An automatic sprinkler system is not required in temporary overflow shelters.

3. An automatic sprinkler system is not required in camping units located within a campground where all of the following conditions exist.

3.1. The camping unit is limited to one story in height.

3.2. The camping unit is less than 400 square feet (37 m²) in area.

3.3. The camping unit does not have a kitchen.

SUBMISSION FOR PERMANENT RULE

4. An automatic sprinkler system is not required in an *open air camp cabin* that complies with the following:

4.1. The *open air camp cabin* shall have at least two remote unimpeded exits. Lighted exit signs shall not be required.

4.2. The *open air camp cabin* shall not be required to have plumbing or electrical systems, but if the cabin has these systems, then the provisions of the code otherwise applicable to those systems shall apply.

4.3. Smoke alarms and portable fire extinguishers may be required as otherwise provided in the code.

~~5. An automatic sprinkler system is not required in the following Group R-3 buildings not more than three stories above grade plane in height with a separate means of egress:~~

~~5.1. Detached one and two family dwellings.~~

~~5.2. Attached one and two family dwellings separated with fire walls complying with Section 706 and containing no other occupancy classification.~~

2018 NC Fire Code

903.2.8 Group R. (220315 Item B-4)

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions:

1. An automatic sprinkler system is not required in new adult and child day care facilities located in existing Group R-3 and R-4 occupancies.

2. An automatic sprinkler system is not required in temporary overflow shelters.

3. An automatic sprinkler system is not required in camping units located within a campground where all of the following conditions exist.

3.1. The camping unit is limited to one story in height.

3.2. The camping unit is less than 400 square feet (37 m²) in area.

3.3. The camping unit does not have a kitchen.

4. An automatic sprinkler system is not required in an *open air camp cabin* that complies with the following:

4.1. The *open air camp cabin* shall have at least two remote unimpeded exits. Lighted exit signs shall not be required.

4.2. The *open air camp cabin* shall not be required to have plumbing or electrical systems, but if the cabin has these systems, then the provisions of the code otherwise applicable to those systems shall apply.

4.3. Smoke alarms and portable fire extinguishers shall be installed as required by other sections of this code.

~~5. An automatic sprinkler system is not required in the following Group R-3 buildings not more than three stories above grade plane in height with a separate means of egress:~~

~~5.1. Detached one and two family dwellings.~~

~~5.2. Attached one and two family dwellings separated with fire walls complying with NC Building Code, Section 706 and containing no other occupancy classification.~~

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2018 NC Residential Code R101.2 and R202 Live/Work Unit (220315 Item B-3)	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
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9B. Explain: The purpose of the amendment is to define the term “live/work” unit and how the term applies to the NC Residential Code. Because this amendment is a clarification of code intent there would be no additional cost or savings. The delayed effective date of this Rule is January 1, 2025. 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
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2018 NC Residential Code
R101.2 Scope (220315 Item B-3)

R101.2 Scope. The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the construction, *alteration*, movement, enlargement, replacement, ~~repair~~ *repair*, *equipment*, use and occupancy, location, ~~removal~~ *removal*, and demolition of detached one- and two-family ~~dwellings~~ *dwellings* and ~~townhouse townhouses~~ not more than three stories above *grade plane* in height with a separate means of ~~egress~~ *egress* and their *accessory structures* not more than three stories above *grade plane* in height. Single family ~~dwellings~~ *dwellings* otherwise permitted by this ~~code~~ *Code* shall include *bed and breakfast homes*.

Exceptions:

1. ~~*Live/work units located in townhouses*~~ and complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be built as one- and two- family *dwellings* or townhouses. Fire suppression required by Section 419.5 of the *International Building Code* where constructed under the *International Residential Code for One- and Two-family Dwellings* shall conform to Section P2904.
2. Deleted.

2018 NC Residential Code
R202 DEFINITIONS (220315 Item B-3)

LIVE/WORK UNIT. A *dwelling unit* in which more than 10 percent and less than 50 percent of the space includes a nonresidential use that is operated by the tenant.