



APPENDIX C
CODE CHANGE PROPOSAL
NORTH CAROLINA
BUILDING CODE COUNCIL

B-3

1429 Rock Quarry Road, Suite 105
Raleigh, North Carolina 27610
(919) 647-0008
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Petition for Rule Making

Item Number _____

Granted by BCC _____
Denied by BCC _____

Adopted by BCC _____
Disapproved by BCC _____

Approved by RRC _____
Objection by RRC _____

PROPONENT: Paul Wanish _____ PHONE: (704)707-5099
REPRESENTING: (self) _____
ADDRESS: 695 Beacontree Ct NW _____
CITY: Concord _____ STATE: NC _____ ZIP: 28027 _____
E-MAIL: pwanish@gmail.com _____ FAX: () - _____

2024 North Carolina Plumbing Code; _____ - Section 403 Minimum Plumbing
Facilities

CHECK ONE: [X] Revise section to read as follows: [] Delete section and substitute the following:
[] Add new section to read as follows: [] Delete section without substitution:

LINE THROUGH MATERIAL TO BE DELETED UNDERLINE MATERIAL TO BE ADDED

See attached Revised Codes (with rationale)

Will this proposal change the cost of construction? Decrease [] Increase [] No [X]
Will this proposal increase to the cost of a dwelling by \$80 or more? Yes [] No [X]
Will this proposal affect the Local or State funds? Local [] State [] No [X]
Will this proposal cause a substantial economic impact (>=\$1,000,000)? Yes [] No [X]

- Non-Substantial – Provide an economic analysis including benefit/cost estimates.
• Substantial – The economic analysis must also include 2-alternatives, time value of money and risk analysis.
• Pursuant to §143-138(a1)(2) a cost-benefit analysis is required for all proposed amendments to the NC Energy Conservation Code. The Building Code Council shall also require same for the NC Residential Code, Chapter 11.

REASON:

- 1) Editorial corrections
2) Updated NCGS (statutes) that had not been integrated into the Codes

BCC CODE CHANGES

Signature: Paul J. Wanish _____

Date: 21Oct2024

FORM 11/26/19

INSTRUCTIONS

Each proposed Code change request shall comply with the following policies:

Rule 1: The Original and twenty-two (22) copies of the proposed Petition for Rule-Making along with supporting documentation shall be filed with the Building Code Council Secretary. Submit one (1) electronic copy via email.

Rule 2: The filing shall be received by the first day of the month prior to the quarterly scheduled meeting date. Example: A December meeting date will require filing by November 1 prior to the meeting.

Rule 3: Each request shall be typewritten on this form and shall contain the following:

- (1) The proposed rule change must be set forth in full and contain explicit reference to the affected section or sections of the Code.
- (2) The request shall state the reasons for the proposed rule change with supporting documentation.
- (3) The proposed rule change shall comply with the standards set forth in GS 143-138(c) and reference to the particular standards shall be set forth in the request for the amendment.
- (4) The proposed rule change shall contain an economic impact analysis as required by GS 143-138(a).
- (5) A proposed rule change to the NC Energy Conservation Code shall have an accompanying cost-benefit analysis as required by GS 143-138(a1)(2).

Rule 4: When a request is improperly filed or not in accordance with all the rules listed above, the BCC Secretary shall reject the submittal and notify the applicant of the proper procedure to follow.

Rule 5: Upon the proper filing of a request, the BCC Secretary shall forward one copy of said request to each council member prior to the scheduled meeting date. Persons filing proposed petitions are hereby notified of the place and time of the scheduled hearings. The BCC Secretary shall cause to be published the notice of public hearing as specified in GS 143-138(a).

Rule 6: The Council shall either Grant or Deny the proposed Petition for Rulemaking at the meeting following receipt of the proposed rule change. The Council will take no further action on items that are Denied. Granted items may be referred to Committee for review.

Rule 7: The Council will hold a public hearing on Granted items at the next quarterly scheduled meeting. The Council will take final action on Granted items at the next quarterly scheduled meeting after the public hearing.

Timeline Example

Petition received:	February 1
Petition Granted:	March BCC meeting
Notice of Hearing published:	April NC Register
Committee review:	May - June
Hearing held:	June BCC meeting
Final Adoption:	September BCC meeting
Rules Review Meeting:	November RRC meeting
Approved:	December 1

PETITION DOCUMENT

Rationalization:

1. **(PETITION)DEFINITIONS: SECTION202**

Single-User Facility. A common bathroom and sink is not a defined term. It is important to include, as in Education, this the only bathroom facility permitted to have a lock on the egress.

2. **(PETITION) 403.8.1 Occupant content.** The current code is not consistent with the [North Carolina General Statute §115C-301](#) (https://www.ncleg.net/enactedlegislation/statutes/pdf/bysection/chapter_115c/gs_115c-301.pdf) from 2017, which defines class size. Further, [North Carolina General Statute §115C-47 Powers and duties generally \(10\)](#) (https://www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_115c/gs_115c-47.html), which (as last sentence states:

In addition to assuring that the requirements of G.S. 115C-301 are met, each local board of education shall also have the duty to provide an adequate number of classrooms to meet the requirements of that statute.

This obligates rooms for classes, so merged these two statutes into students per classroom (instead of in teachers per class).

3. **(PETITION) 403.8.3 Occupant load for teachers and staff.** Extend to avoid conflicts with the Federal and US Department of Education Article IX laws around non-discrimination by sex. Federal: <https://www.justice.gov/crt/title-ix#Bostock> US Department of Education <https://www.ed.gov/laws-and-policy/civil-rights-laws/sex-discrimination/Title-IX-and-Sex-Discrimination>
4. **[PETITION] 403.8.5.1 Single-user facility.** Door locks are already permitted, but in a "code for schools", small children may be able to lock the only egress, but not unlock it (as happened with a bolt lock by a 9 year old; personal experience last year). Be specific for schools, and require the ability to open the door, WITHOUT the call to the Fire Department, to extract a child.
5. **[PETITION] 403.8.5.4 Modular classroom buildings.** Because this section does not include the works "accessible, covered", it becomes a confusion factor with 403.8.2 Occupant load and distance. Align with 403.8.2
6. **[PETITION] 403.8.5.5 Temporary Modular classroom buildings.** Because this section does not include the works " accessible, covered", it becomes a confusion factor with 403.8.2 Occupant Load and distance. Align with 403.8.2

SINGLE-USER FACILITY. A single-user facility is a derivation of a toilet facility. Each room is intended for a single occupant, composed only of a single toilet and lavatory. Ancillary fixtures (e.g., hand dryer or infant dressing table) are permissible.

....

403.8.1 Occupant content. Occupant content of public schools for the purpose of determining the number of required facilities shall be the maximum design class size multiplied by the number of classrooms. A public school classroom is a room or space 500 square feet (46.5 m²) or larger normally used for instruction purposes. Maximum design class sizes are ~~29 students for grades K through 8 and 33 students for grades 9 through 12~~

(1) For kindergarten, 18 students.

(2) For first grade, 16 students.

(3) For second and third grade, 17 students.

in grades four through twelve, local school administrative units shall have the maximum flexibility of students to classrooms to use to maximize student achievement (N.C.G.S 115C-301), N.C.G.S. 115C-47(10)). The occupant load for private schools shall be as listed in Table 1004.5 of the *International Building Code*.

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403.8.3 Occupant load for teachers and staff. Fixtures provided for teachers and staff shall be determined by multiplying the number of classrooms by 1.75. Staffing ratio for K through 8 is 80-percent female and 20-percent male. Staffing ratio for grades 9 through 12 is 70-percent female and 30-percent male. Staff ratios shall be adjusted where approved statistical data of the distribution of the sexes exists; then the ratio shall reflect the observed ratio.

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403.8.5.1 Single-user facilities. A single-user facility may be used when the classroom area served is 1,200 square feet (112 m²) or less and is used either for K through grade 2 or is a modular classroom used for any grade level. Single-user facilities may be provided for teacher/staff if their total occupant load within 200 feet (61m) is 15 or less. A single-user facility may have a manual bolt lock, if it is also provides an external key entry.

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403.8.5.4 Modular classroom buildings. Toilet rooms may be omitted in a modular classroom building when facilities of sufficient capacity for the additional occupants are provided in an adjacent building and located within 200 feet (61 m) of accessible, covered horizontal travel distance from the modular classroom.

403.8.5.5 Temporary modular classroom buildings. Toilet rooms may be omitted in modular classroom buildings housing grades 9 through 12 when these temporary buildings are to be replaced by permanent facilities which are under contract. Facilities of sufficient capacity for the additional occupants shall be provided within 450 feet (137 m) of accessible, covered horizontal travel distance from the modular classroom.