

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Building Code, Chapter 2

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

I take it that you are defining these terms due to their use in G.S. 143-138(b2)?

For "Carbon Monoxide Alarm" what is a "distinct audible signal"?

For "Carbon Monoxide Detector" will this be connected to a carbon monoxide alarm device, as defined in the first term?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Building Code
Chapter 2 Definitions. (200714 Item B-26)

CARBON MONOXIDE ALARM. A single- or multiple-station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal. It incorporates a sensor, control components and an alarm notification appliance in a single unit.

CARBON MONOXIDE DETECTOR. A device with an integral sensor to detect carbon monoxide gas and transmit an alarm signal to a connected alarm control unit.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Building Code, 428.2

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 9B, this is not the reason for the amendment that you published in the Register. Consider updating this.

In this Rule, "state agency" is lowercase, but it is capitalized in Rule 428.3. Please be consistent with capitalization between these two rules.

In the Register, you published to delete "(North Carolina Residential Code)" before the new language. Did you intend to do so here?

Why is Figure R4603(e) included with this Rule? It appears it should be attached to the filing for the Residential Code, R4603. Please delete it here.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Building Code

428.2 Residential care homes (200714 Item B-28)

428.2 Residential care homes. Homes keeping no more than six adults or six unrestrained children who are able to respond and evacuate the facility without assistance, determined by the state agency having jurisdiction to be licensable, shall be classified as single-family residential (*North Carolina Residential Code*) and comply with the requirements of this section and the *North Carolina Residential Code* for detached one- and two-family dwellings and townhouses.

SUBMISSION FOR PERMANENT RULE

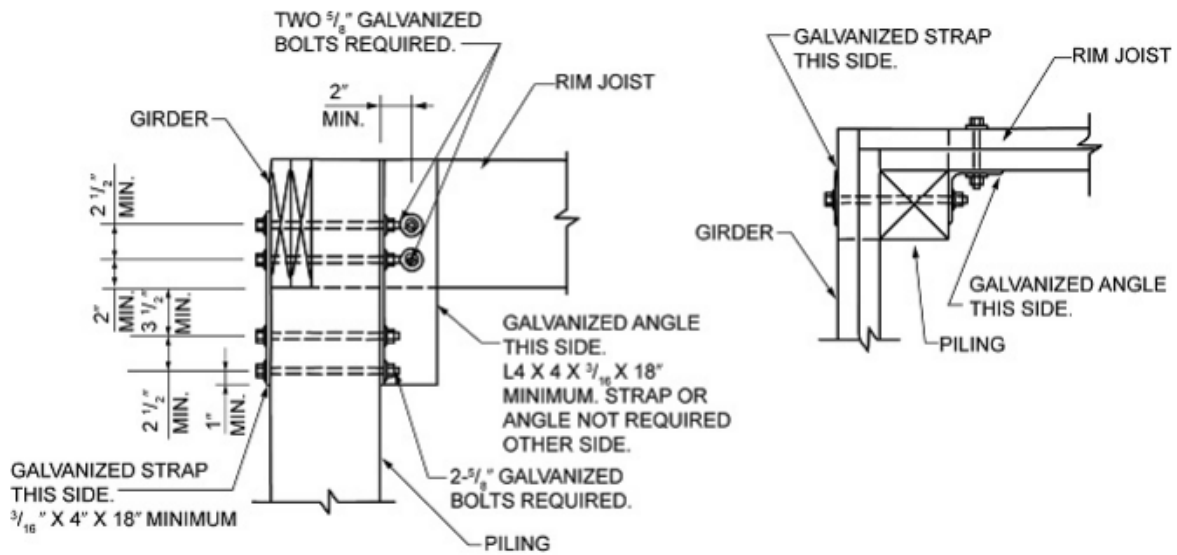


FIGURE R4603.6(d)
CORNER PILE CONNECTION

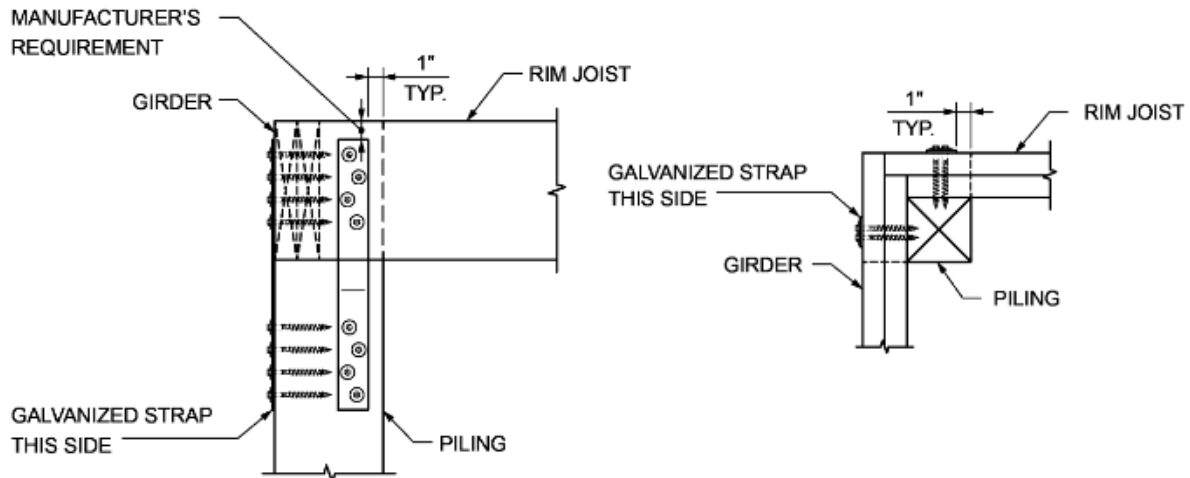
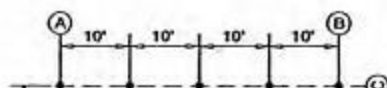


FIGURE R4603.6(e)
CORNER PILE CONNECTION



SUBMISSION FOR PERMANENT RULE

FIGURE R4603.6~~(e)~~(f)
ELEVATIONS
(SHOWING POSSIBLE ARRANGEMENT OF X-BRACING IN LINE) (G AND H SIMILAR)

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Building Code, 428.3

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 9B, this is not the reason for the amendment that you published in the Register. Consider updating this.

Why is "State Agency" capitalized here but not when used in 428.2? Please make the capitalization consistent between these Rules.

Why is Figure R4603(e) included with this Rule? It appears it should be attached to the filing for the Residential Code, R4603. Please delete it here.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Building Code

428.3 Licensed small residential care facilities (200714 Item B-29)

428.3 Licensed Small Residential Care Facilities. The following facilities when determined by the State Agency having jurisdiction to be licensable, shall be classified as Single-Family Residential and comply with the requirements of this section and the *North Carolina Residential Code* for detached one- and two-family dwellings and townhouses.

1. Residential Care Facilities keeping no more than six adults or six unrestrained children with no more than three who are unable to respond and evacuate without assistance.
2. Residential Care Facilities keeping no more than five adults or five children who are unable to respond and evacuate without assistance, when certifiable for Medicaid reimbursement, and when staffed 24-hours per day with at least two staff awake at all times.
3. Residential Care Facilities keeping no more than nine adults or nine children who are able to respond and evacuate without assistance.

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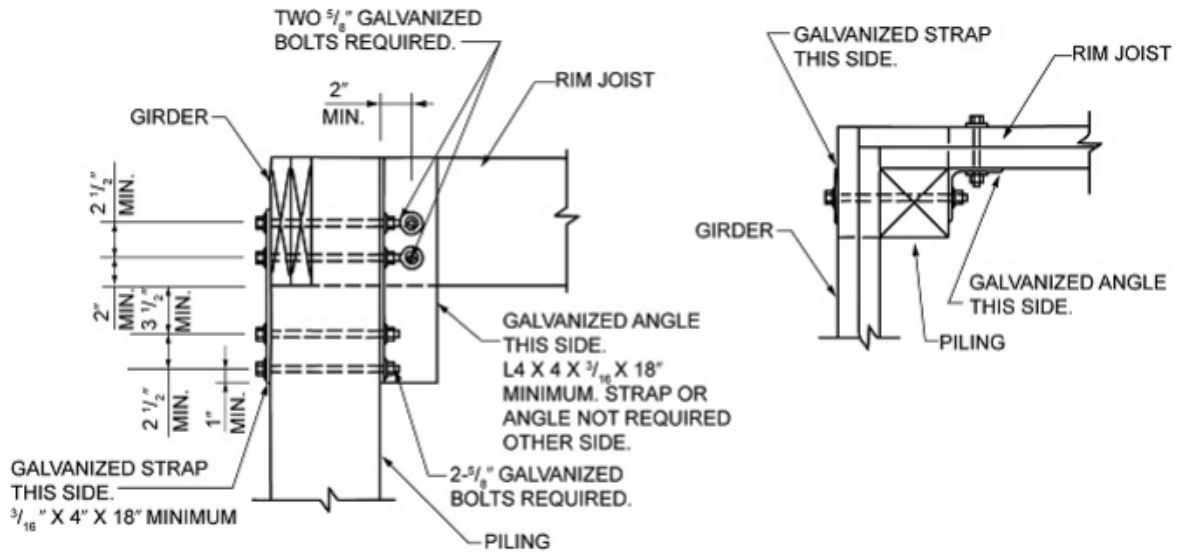


FIGURE R4603.6(d)
CORNER PILE CONNECTION

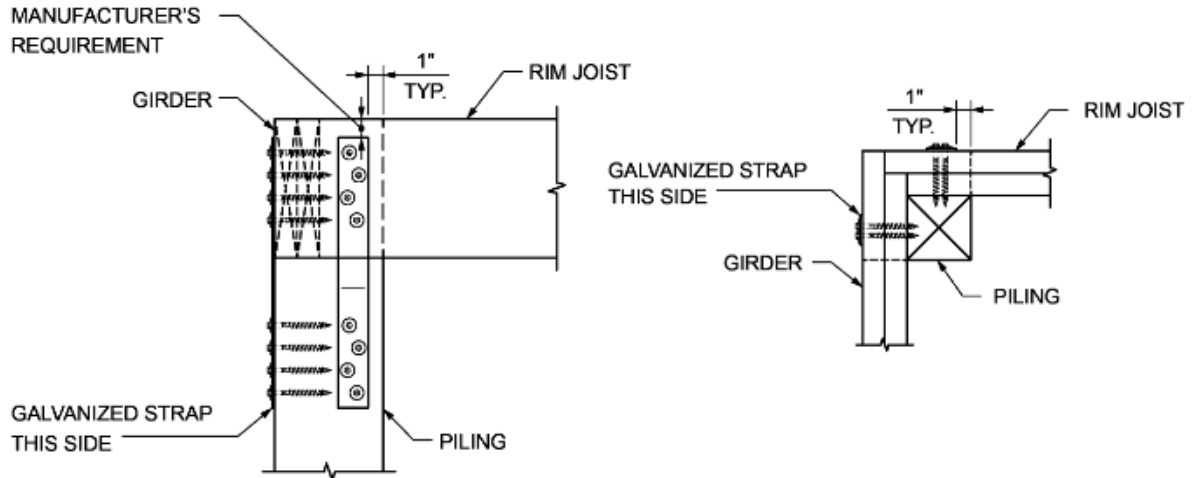


FIGURE R4603.6(e)
CORNER PILE CONNECTION



SUBMISSION FOR PERMANENT RULE

FIGURE R4603.6~~(e)~~(f)
ELEVATIONS
(SHOWING POSSIBLE ARRANGEMENT OF X-BRACING IN LINE) (G AND H SIMILAR)

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Residential Code, R101.2.2, R202, and R327

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

You are amending in three amendments. Please either submit a new Submission for Rulemaking form listing all three citations (as you did for R905.2.8.5 and R908.3) or submit a new form for each citation.

Also on the Submission for Permanent Rule form, please update Box 9B to reflect the rationale you published in the Register.

R101.2.2: *I note that in this submission, you moved the Exception from being at the bottom of the list in the Code to below Item 6. Is that intentional?*

R202: *In the definition of "accessory building," remove the errant period after "dwelling" and replace it with a comma, so it reads "that is detached and located on the same lot as the dwelling, and is roofed over..."*

In the definition for "accessory structure," so that I'm clear – due to the changes in R101.2.2, the following types of accessory structures will not be subjected to the Residential Code: fencing, barbecue pits, detached chimneys located more than 10 feet from the buildings or lot lines, playground equipment, and yard art?

Also in this definition, please be sure to italicize "piers" as that is a defined term within the Code.

R327: *I am only asking – why are you using letters for the exceptions, when elsewhere in the Code, you use numbers?*

In Exception a, you do not need to show the deletion of "&" You can just remove it.

In Exception b, do not put "Exception a" in quotes.

In Exception c, what are "minor" repairs here? Does your regulated public know?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Residential Code
R101.2.2 Accessory structures. (200901 Item B-19)

R101.2.2 Accessory structures.

Only the following *accessory structures* shall meet the provisions of this code.

1. Decks, see Appendix M,
2. Gazebos,
3. Retaining walls, see Section R404.4,
4. Detached masonry chimneys located less than 10 feet (3048 mm) from other buildings or lot lines,
5. Swimming pools and spas, see Appendix V,
6. Detached carports,

Exception: Portable lightweight carports not exceeding 400 square feet (37 m²) or 12 foot (3658 mm) mean roof height.

7. *Docks, piers, bulkheads*, and waterway structures, see Section R327.

R202 Definitions.

ACCESSORY BUILDING. ~~In one and two family dwellings not more than three stories above grade plane in height with a separate means of egress, a.~~ A building that does not contain a sleeping room, the use of which is incidental accessory to that of the main building dwelling, and that is detached and located on the same lot as the dwelling. ~~An accessory building and is roofed over and with more than 50 percent of its exterior walls are enclosed. Examples of accessory buildings are garages, storage buildings, workshops, boat houses, treehouses, and similar structures.~~

ACCESSORY STRUCTURE. A structure that is accessory to the dwelling and not defined as an *accessory building*. Examples of accessory structures are fencing, decks, gazebos, arbors, retaining walls, barbecue pits, detached chimneys, playground equipment, yard art, *docks*, piers, etc.

PRIVATE POND. A body of water owned entirely by a single property owner and located on the same parcel of land as a detached single-family dwelling.

SECTION R327 DOCKS, PIERS, BULKHEADS AND WATERWAY STRUCTURES

R327.1 General.

Docks, piers, bulkheads and waterway structures shall be constructed in accordance with Chapter 36 of the *North Carolina Building Code*.

Exceptions: Structures complying with the following are not required to meet the provisions of this code.

- a. *Docks and Piers built over private ponds.*
 - b. Fixed in place walkways, docks, and piers not covered in "Exception a" and not exceeding 144 square feet for single family dwelling.
 - c. Minor repairs to existing docks, piers and waterway structures.
1. ~~Fixed piers associated with a one or two family dwelling meeting all of the following:~~
 - 1.1. ~~A maximum of four boat slips for a single owner of a one or two family dwelling or two adjacent, riparian owners.~~
 - 1.2. ~~A maximum height of 15 feet (4572 mm) measured from deck to mud line at any location along the pier.~~
 - 1.3. ~~A maximum normal pool depth of 13 feet (3962 mm) on lakes and ponds and a maximum mean low water depth of 7 feet (2134 mm) in other locations.~~
 - 1.4. ~~A maximum walkway width of 6 feet (1829 mm).~~
 - 1.5. ~~A maximum pile spacing of 8 feet (2438 mm), in both directions.~~
 - 1.6. ~~A maximum of 576 sq. ft. (53.5 m²) for non walkways areas.~~
 - 1.7. ~~A maximum boat slip length of 40 feet (12.2 m).~~
 - 1.8. ~~A maximum roofed area of 576 sq. ft. (53.5 m²) with an additional maximum 2 foot (610 mm) overhang.~~
 - 1.9. ~~Constructed with no enclosed or multilevel structures.~~
 - 1.10. ~~Supports a boatlift with a maximum design capacity no greater than 16,000 pounds (71.2 kN).~~
 2. ~~Floating docks associated with a one or two family dwelling meeting all of the following:~~

SUBMISSION FOR PERMANENT RULE

- ~~2.1. A maximum of four boat slips for a single owner of a one or two family dwelling or two adjacent, riparian owners.~~
- ~~2.2. A maximum normal pool depth of 20 feet (6096 mm) for docks with guide piles on lakes and ponds and a maximum mean low water of 10 feet (3048 mm) for docks with guide piles in other locations.~~
- ~~2.3. A maximum boat slip length of 40 feet (12.2 m).~~
- ~~2.4. Finger piers, crosswalks or other floating surfaces having a minimum width of 3 feet (914 mm) wide to a maximum of 6 feet (1829 mm) wide, except for a single 8 foot x 16 foot (2438 mm x 4877 mm) section.~~
- ~~2.5. When constructed with a roof the following conditions exist:~~
- ~~i. Ultimate design wind speed is 115 mph (51 m/s) or less;~~
 - ~~ii. Roof load is 20 psf (0.96 kPa) or less;~~
 - ~~iii. A maximum eave height of 10 feet (3048 mm);~~
 - ~~iv. A maximum roof slope of 4:12;~~
 - ~~v. A maximum roofed area of 576 sq. ft. (53.5 m²) with an additional maximum 2 foot (610 mm) overhang;~~
 - ~~vi. A minimum boat slip width of 12 feet (3658 mm);~~
 - ~~vii. A minimum floating dock width of 4 feet (1219 mm) along both sides of the boat slip;~~
 - ~~viii. A maximum dead load of 12 psf (0.57 kPa);~~
 - ~~ix. Floating structures supporting roof structures are balanced or anchored to reduce the possibility of tipping.~~
- ~~2.6. Constructed with no enclosed or multilevel structures.~~
- ~~2.7. Supports a boat lift with a maximum design capacity no greater than 16,000 pounds (71.2 kN).~~

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Residential Code, R328

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 9B, this is not the reason for adoption that you published in the Register. Please update it here.

In the Rule, what is a "hazard" here? I see "hazardous location" is defined in this Code; is that what you mean?

What is "properly terminated" here?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Residential Code
R328 Demolition. (200714 Item B-20)

SECTION R328 DEMOLITION

R328.1 Demolition. Where a building or structure regulated by this code has been demolished or removed, the lot shall not create a new hazard to the site or to adjoining properties. All utilities shall be properly terminated.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Residential Code, R404.4

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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

On the Submission for Permanent Rule form, Box 9B, this is not the reason for amendment that you published in the Register. Please update it here.

So that I'm clear – any retaining walls not meeting one of these four conditions do not have to be designed by a registered design professional?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Residential Code

R404.4 Retaining walls. (200714 Item B-18)

R404.4 Retaining walls. Retaining walls ~~that are not laterally supported at the top and that retain in excess of 48 inches (1219 mm) of unbalanced fill, shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. In addition, any retaining wall that meets~~ meet the following shall be designed by a *registered design professional*.

1. Any retaining wall systems on a residential site that cross over adjacent property lines regardless of vertical height, ~~and~~
2. Retaining walls that support *buildings* and their *accessory structures*;
3. Retaining walls exceeding 4 feet (1524 mm) of unbalanced backfill height, or
4. Retaining wall systems providing a cumulative vertical relief greater than 5 feet (1524 mm) in height within a horizontal distance of 50 feet (15 m) or less.

Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Residential Code, R905.2.8.5 and R908.3

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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

On the Submission for Permanent Rule form, Box 9B, this is not the reason for amendment that you published in the Register. Please update it here.

R905.2.8.5: *Consider replacing "is" before "designed" with "shall be"*

What is a "slight" projection here?

Why is Figure R4603(e) included with this Rule? It appears it should be attached to the filing for the Residential Code, R4603. Please delete it here.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Residential Code

R905.2.8.5 Drip edge and R908.3 Roof replacement (200714 Item B-24)

R905.2.8.5 Drip Edge. ~~Deleted.~~ Not required unless required by the roof covering manufacturer installation instructions. The drip edge placed around the edge of a roof prior to installing the roofing material is designed so that water runs off over the drip edge and falls from a slight projection at the bottom edge of the roof rather than running back under, or along the eaves. Metal, wood or exterior composite materials can be used for the drip edge.

R908.3 Roof replacement. Roof replacement shall include the removal of existing layers of roof coverings down to the roof deck and replacement of up to 15% of the total existing roof deck. Replacement of up to 15% of the total roof deck shall not be considered structural work.

SUBMISSION FOR PERMANENT RULE

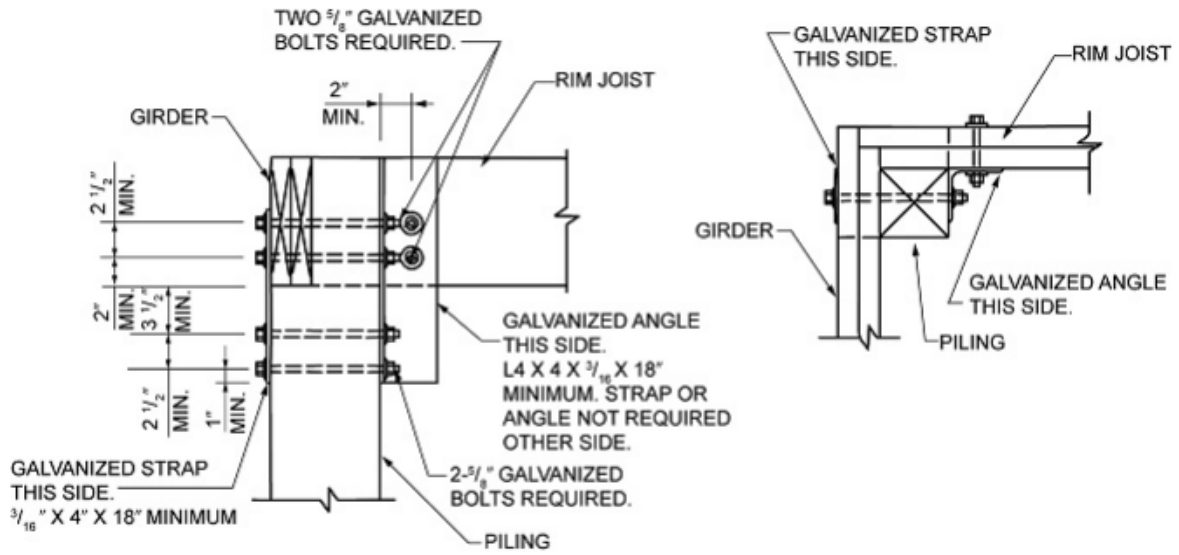


FIGURE R4603.6(d)
CORNER PILE CONNECTION

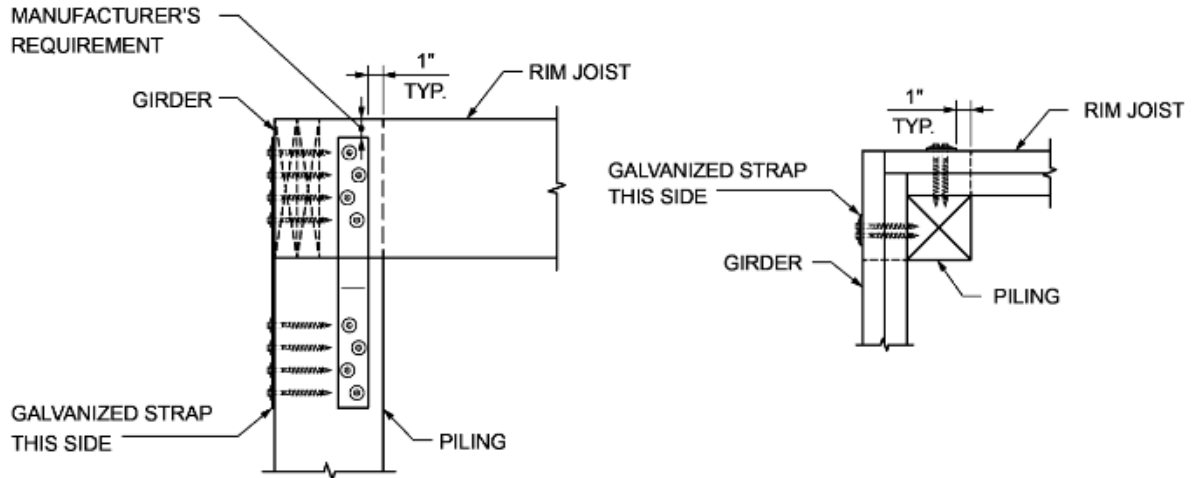


FIGURE R4603.6(e)
CORNER PILE CONNECTION

SUBMISSION FOR PERMANENT RULE

FIGURE R4603.6~~(e)~~(f)
ELEVATIONS
(SHOWING POSSIBLE ARRANGEMENT OF X-BRACING IN LINE) (G AND H SIMILAR)

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Residential Code, R4603.6.1 and R4603.6.2

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, you need to show this as an amendment to R4603.6, because you are breaking this down into multiple subsections.

Also on the form, Box 9B, this is not the reason for amendment that you published in the Register. Please update it here.

In the Rule, please format this showing the changes to current R4603.6.

R4603.6.1: *Why do you have "2" in "a minimum of 2 3/16" in parentheses?*

R4603.6.2: *Please be sure to italicize "code official" and "registered design professional" here, as those are defined terms.*

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Residential Code

R4603.6.1 Tying at corners (200714 Item B-21)

R4603.6.1 Tying at corners. At corners, girders shall be connected to the pile with a minimum $3/16 \times 4 \times 18$ -inch ($5 \times 102 \times 467$ mm) hot dip galvanized strap bolted with two $5/8$ inch (15.9 mm) galvanized through bolts on the exterior and a minimum $L4 \times 4 \times 3/16 \times 1'-6''$ ($102 \times 5 \times 467$ mm) galvanized steel angle bolted with two $5/8$ inch (15.9 mm) galvanized through bolts on the interior in accordance with Figure R4603.6(d), or with a minimum of (2) $3/16'' \times 4'' \times 18''$ ($5 \times 102 \times 467$ mm) hot dip galvanized straps installed on the outside of the girders with fasteners per Table R4603.6.1 and in accordance with Figure R4603.6 (e).

Table R4603.6.1

Minimum Fastening of Corner Beams and Girder to Pilings

<u>Amount Piling is Notched</u>	<u>Associated Figure</u>	<u>Hardware</u>	<u>Fasteners</u>
<u>$\geq 50\%$¹</u>	<u>R4603.6(d)</u>	<u>one $3/16'' \times 4'' \times 18''$</u>	<u>six $5/8''$ bolts²</u>
		<u>one $L4 \times 4 \times 3/16 \times 18''$</u>	
	<u>R4603.6 (e)</u>	<u>two $3/16'' \times 4'' \times 18''$</u>	<u>eight $0.27'' \times 4''$ each strap³</u>

1. Where piling is notched over 50%, use strap as required in Section 4603.6. Install the specified number of bolts or screws in each end of the strap.

2. Bolts shall be $5/8''$ diameter hot dipped galvanized through bolts with nuts and washers.

3. Screws shall be $0.270''$ (6.9 mm) minimum in diameter, hot dipped galvanized to a minimum of A153, Class C, and have a minimum length of $4''$ or shall be long enough to penetrate through the girder and a minimum of one inch into the remaining pile, whichever is greater.

R4603.6.2 Bracing of Pilings. Bracing of pile foundations is required where the clear height from ground to sill, beam or girder exceeds 10 feet (3048 mm) or the dwelling is more than one story above piles. A line of X-bracing is defined as a row of piles with X-bracing provided in at least two bays. A line of X-bracing shall be provided at all exterior pile lines. Where the perimeter lines of X-bracing exceed 40 feet (12 192 mm), an additional line of X-bracing shall be provided near the center of the building. See Figure R4603.6(e)(f). X-bracing shall be with 2×10 s through bolted with two $3/4$ -inch (19.1 mm) bolts at each end. The code official is permitted to accept alternate bracing designs if they bear the seal of a registered design professional.

SUBMISSION FOR PERMANENT RULE

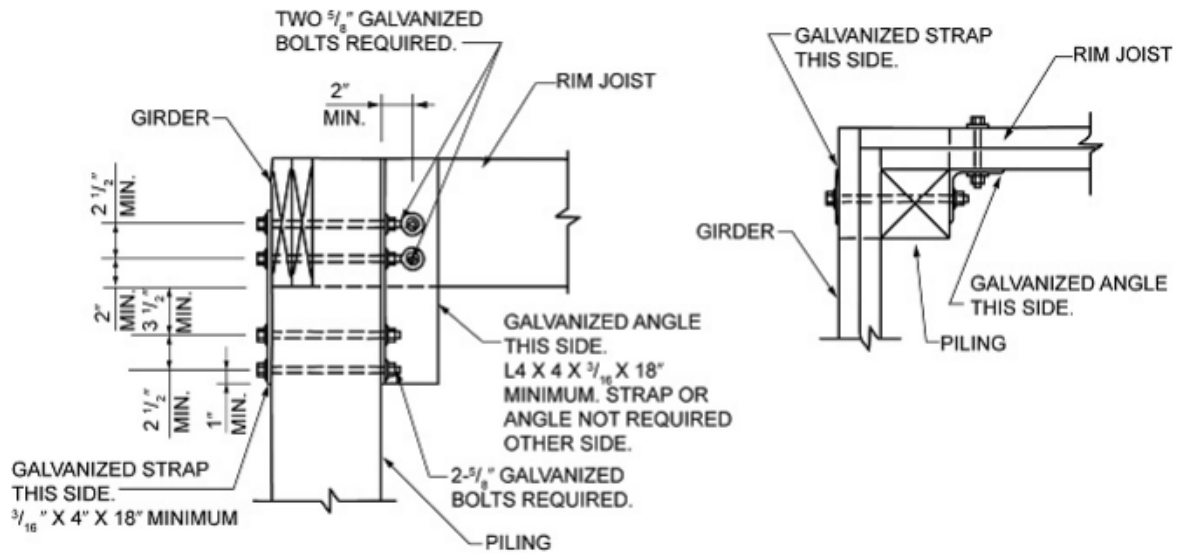


FIGURE R4603.6(d)
CORNER PILE CONNECTION

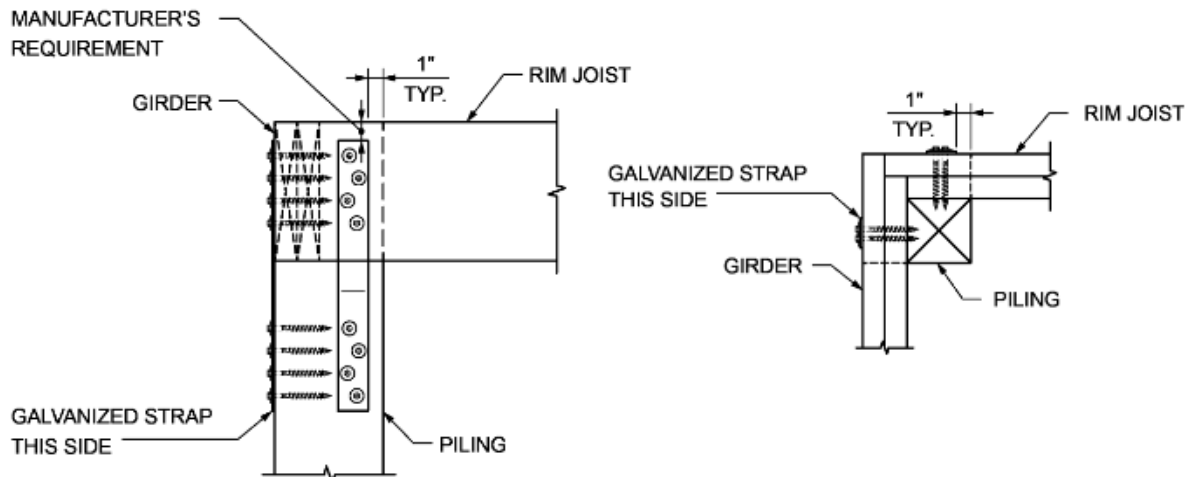


FIGURE R4603.6(e)
CORNER PILE CONNECTION

SUBMISSION FOR PERMANENT RULE

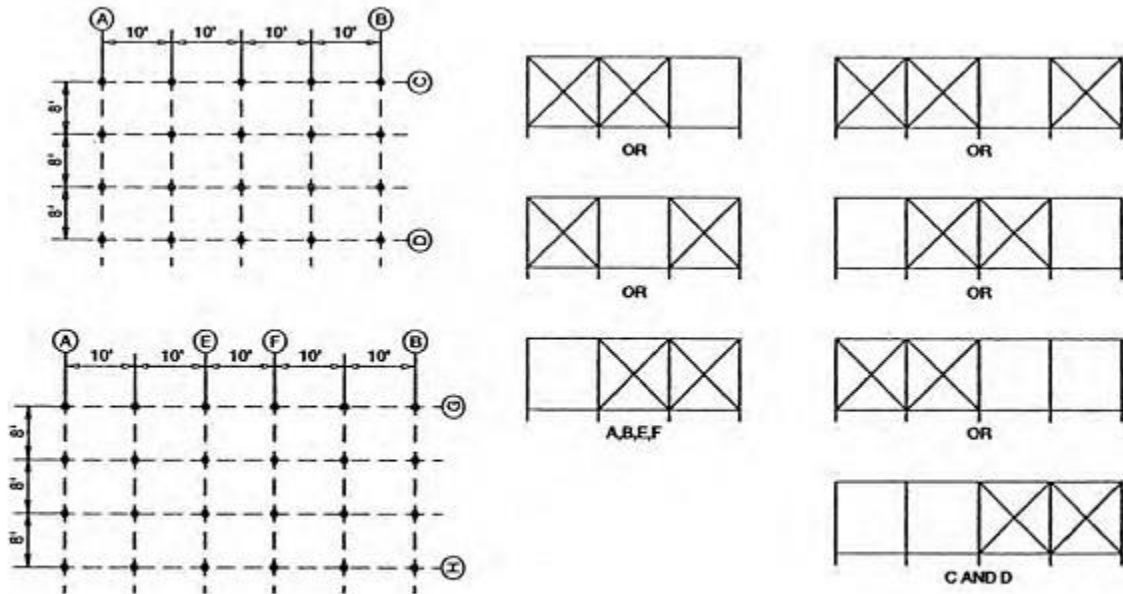


FIGURE R4603.6(e)(f)
ELEVATIONS

(SHOWING POSSIBLE ARRANGEMENT OF X-BRACING IN LINE) (G AND H SIMILAR)

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Building Code Council

RULE CITATION: 2018 Residential Code, N1101.13(R401.2)

RECOMMENDED ACTION:

Approve, but note staff's comment

Object, based on:

Lack of statutory authority

Unclear or ambiguous

Unnecessary

Failure to comply with the APA

Extend the period of review

X Send the Rule to OSBM for determination of substantial economic impact

COMMENT:

Staff recommends the Commission refer this Rule to the Office of State Budget and Management (OSBM) for determination of substantial economic impact, as set forth in G.S. 150B-21.9(a).

The agency did not create a fiscal note for this Rule when it published the proposed amendment in the Register. Among the public comments received on this Rule, the Commission received a request that the Rule be sent to OSBM for fiscal analysis.

G.S. 150B-21.9(a) states in relevant part:

§ 150B-21.9. Standards and timetable for review by Commission.

The Commission may ask the Office of State Budget and Management to determine if a rule has a substantial economic impact and is therefore required to have a fiscal note. **The Commission must ask the Office of State Budget and Management to make this determination if a fiscal note was not prepared for a rule and the Commission receives a written request for a determination of whether the rule has a substantial economic impact.**

Staff believes that the statutory criteria for referral to OSBM has met and recommends doing making this referral.

Amanda J. Reeder
Commission Counsel

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all of the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.
- (4) It was adopted in accordance with Part 2 of this Article.

The Commission shall not consider questions relating to the quality or efficacy of the rule but shall restrict its review to determination of the standards set forth in this subsection.

The Commission may ask the Office of State Budget and Management to determine if a rule has a substantial economic impact and is therefore required to have a fiscal note. The Commission must ask the Office of State Budget and Management to make this determination if a fiscal note was not prepared for a rule and the Commission receives a written request for a determination of whether the rule has a substantial economic impact.

(a1) Entry of a rule in the North Carolina Administrative Code after review by the Commission creates a rebuttable presumption that the rule was adopted in accordance with Part 2 of this Article.

(b) Timetable. - The Commission must review a permanent rule submitted to it on or before the twentieth of a month by the last day of the next month. The Commission must review a rule submitted to it after the twentieth of a month by the last day of the second subsequent month. The Commission must review a temporary rule in accordance with the timetable and procedure set forth in G.S. 150B-21.1. (1991, c. 418, s. 1; 1995, c. 507, s. 27.8(f); 2000-140, s. 93.1(a); 2001-424, s. 12.2(b); 2003-229, s. 9.)

Request for Fiscal Analysis

Burgos, Alexander N

Subject: FW: [External] NC Building Code Council Rulemaking Dec 2020: Public access issues and a request for a fiscal note

From: Ben Edwards <ben@mathisconsulting.com>

Sent: Friday, January 29, 2021 9:41 AM

To: Reeder, Amanda J <amanda.reeder@oah.nc.gov>

Subject: RE: [External] NC Building Code Council Rulemaking Dec 2020: Public access issues and a request for a fiscal note

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Ms. Reeder,

I do not find an attachment, but the item in question is in NC Register 35:04, pg. 342:

11 **20. Request from Robert Privott representing the N.C. Home Builders Association to amend the 2018**
12 **N.C. Residential Code, Section N1101.13.**

In order of my perception of importance for Rules Review, this item (and perhaps others) must be considered in light of:

1. A high-risk environment for the public. At the summer meeting, I registered 103F at the security checkpoint, but was waved through. Observing insufficient social distancing, I determined it unsafe to return. At the winter meeting – under consideration – I have been informed that two councilmen could have attended after close contact with confirmed infected family members. A virtual meeting / hybrid option was offered to voting members, but the public was denied even listening. Members and staff were observed maskless and in intimate proximity by others in attendance. To be clear: I question whether (at least) the last meeting complied with open meetings law, considering Executive Orders, requiring all items to be re-noticed and re-heard. If Rules finds this non-persuasive, there is a concern about 35:04 #20, specifically.
2. Improper notice and adoption. As noted in the email thread below and in other correspondence, there was ongoing concern about the scope of the proposal, specifically that the intended referenced standard was unclear, at best. This concern was submitted in written comment, and the proposal subsequently was changed. This change was not editorial, and should have been re-noticed as intended for final vote. The language approved for rulemaking was never noticed and open for public comment.
3. No cost/benefit nor legitimate fiscal analysis was provided for this item. I believe I have gone into detail about why this proposed change cannot be evaluated – it is so poorly written that the extend of cost impact would be speculation. Though I do not believe OSBM can be expected to evaluate such careless disregard for rulemaking, I **formally request a fiscal analysis for item #20.** Please copy me or otherwise make me available to OSBM to explain the how the code functions around this standard, this proposal, and my extensive work in the codes development arena. Today I am submitting a functional proposal to update to the new standard that Mr. Privott desires, so the Council can consider it at their next meeting. I will assist in any other way possible.

I am sorry that I am forced to take your time in these matters. Other state agencies are being engaged to help improve the internal process at the Building Code Council, hopefully limiting future conflicts. As always, thank you for your service to North Carolina.

-Ben

From: Reeder, Amanda J <amanda.reeder@oah.nc.gov>

Sent: Friday, January 29, 2021 7:38 AM

Request for Fiscal Analysis

To: Ben Edwards <ben@mathisconsulting.com>

Cc: Martin, Carl <Carl.Martin@ncdoi.gov>; Reeder, Amanda J <amanda.reeder@oah.nc.gov>

Subject: FW: [External] NC Building Code Council Rulemaking Dec 2020: Public access issues and a request for a fiscal note

Good morning, Mr. Edwards:

Thank you for your email. The BCC filed several rules for the RRC's February 18, 2021 meeting and I am currently reviewing them.

Regarding your comment below, I want to be sure that: 1) the attached rule is the rule that you are commenting upon; and 2) that you are requesting that RRC send the attached rule to OSBM to determine whether it creates a substantial economic impact.

Am I correct in my understanding of your comment?

Thank you! I hope you are well.

Amanda

Amanda J. Reeder

Counsel to the Rules Review Commission

NC Office of Administrative Hearings

New Telephone Number Effective May 1, 2020: 984-236-1939

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Ben Edwards <ben@mathisconsulting.com>

Sent: Monday, December 14, 2020 2:04 PM

To: rrc.comments <rrc.comments@oah.nc.gov>; Martin, Carl <Carl.Martin@ncdoi.gov>

Subject: [External] NC Building Code Council Rulemaking Dec 2020: Public access issues and a request for a fiscal note

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Ms. Reeder, or whom it may concern:

I regret to have to have to contact you yet again about the Building Code Council. The only item in question, for now, is D-23 Privott, creating a new energy code compliance path using an indeterminate version of the ANSI/RESNET/ICC Standard 301. Please note that in this letter I use Standard 301-2014 as shorthand for the 2014-second-publication-version NC already adopted, including Addendum B-2015, which incorporated non-substantive editorial changes and a title change (details in the "Special Note" of the 2019 version, linked below). I will attempt to list only the low-points of this rulemaking process; and I am requesting a fiscal note, since none was provided, though requested by the Council members. Greater detail below, but this rulemaking offers a compliance path with no enforceable minimum energy efficiency requirements, potentially adding an almost-inestimable energy cost for NC ratepayers.

- (1) Open meetings and APA challenges. (possibly out of scope, but to document context)

While it may be outside of Rules Review's scope – I'm not an attorney – it should be noted that the public were forced to risk their health and life-safety to participate in the last 3 meetings. While DOI staff attempted to mitigate risk, many Council members – including the chairman – actively defied executive orders regarding

Request for Fiscal Analysis

public gatherings and distancing/masking. I attended the summer meeting, but had no access to testimony because the audio provided in the public attendance room was unintelligible (my recordings available upon request). BCC staff provided me an official recording and my requested cost/reason/edits documentation. I felt fully accommodated, but many others who did not share my familiarity/access did not. I socialized the information as I could, but public documents used in rulemaking should be quickly, easily accessible on the Website for all stakeholders, especially during a pandemic. For the fall meeting, I chose not to risk my health and the lives of my family for the possibility of no audio again. A request for a recording/documentation was denied, specifically deferred to the BCC/DOI Website, where it never obviously appeared. I feel this prevented me (and others, who reasonably complied with executive orders) from participating. Additional stakeholders are prepared to come forward, if needed. For the last, winter meeting, standing executive orders were explicitly and willfully violated by the chairman, demanding that, not only the public, but voting members be required to be exposed to individuals with documented COVID close-contacts in order to participate. The day before the meeting DOI was forced (by undetermined higher authority) to allow remote participation for voting members – timely, as 2 members would have attended, having recently been exposed to COVID-positive family members – but no public accommodation was made, even for basic call-in listening. The public were told that governmental meetings were exempt from the executive orders and that additional accommodations for access were illegal. I understand notice deadlines for official comment, but jurisdictions across the state are allowing simply listening to testimony as an emergency measure. I go into this detail because there is considerable public confusion about what happened to D-23 (and other items you’ll see in the spring) at the fall/winter meetings. I sympathize with staff, considering the unreasonable (illegal?) demands put on them by the chairman, but the functional limit to safe public participation remains.

- (2) The indeterminate reference standard. (probably partially out of scope, but to document context)
- B-23 was published for the public with no reason or cost statements, as is typical for B-items. Voting members get this additional information. Stakeholders require access to these public documents at least by the time of notice in the Register, but are provided it only by harassing staff, who are overburdened already. For energy/cost modeling, especially, a month or two is insufficient to verify the modeling assumptions and develop informed comment. Knowingly false modeling assumptions will be addressed below and likely again after the next BCC meeting. Because of my access to the summer recording, I know that the B-23 proponent, Mr. Privott, struggled to provide reason for changing the standard, especially for creating an entire, parallel compliance pathway, when a path using Standard 301 (R406/N1006) already and still exists. Critically, a reference standard was not submitted for the “new” standard, which would have added missing clarity (and code functionality). “New” is in quotations because the proponent cited a non-existent standard, a hybrid of the currently referenced 301-2014 edition and the new 301-2019 edition. There is substantial difference between the versions, as I’ll demonstrate below. In my public comments – and likely in those of others – clarifying which standard was intended was critical. The proposal was moved to a D-item with no clarification. Again, the Council discussed D-23 with “ANSI/RESNET/ICC 301-2019 Standard for the Calculation and Labeling of Energy Performance of **Low-Rise Residential Buildings** using an Energy Rating Index” [emphasis added]. This language should have been clarified and re-noticed, so the public would know what was intended, especially since it was commented upon directly.

An example of why this confusion matters:

301-2014 Standard for the Calculation and Labeling of the Energy Performance of **Low-Rise Residential Buildings** using an Energy Rating Index

2. Scope. This standard is applicable to all one- and two-family dwellings and to dwelling units in residential buildings not over three stories in height above grade containing multiple dwelling units.

http://www.resnet.us/wp-content/uploads/archive/resblog/2016/01/ANSI-RESNET-ICC_301-2014-Second-Edition-Publish-Version.pdf

301-2019 Standard for the Calculation and Labeling of the Energy Performance of **Dwelling and Sleeping Units** using an Energy Rating Index

Request for Fiscal Analysis

2. Scope. This standard is applicable to Dwelling Units and Sleeping Units in Residential or Commercial Buildings, excepting hotels and motels.¹ Energy Ratings determined in accordance with this standard are for individual Dwelling Units or Sleeping Units only. This standard does not provide procedures for determining Energy Ratings for whole buildings containing more than one unit.

http://www.resnet.us/wp-content/uploads/archive/resblog/2019/01/ANSIRESNETICC301-2019_vf1.23.19.pdf

I am unaware of any public discussion indicating that the proponent or staff intended to modify the language after it was approved by Council, but before submission to Rules Review.

(3) “Corrected” version provided to Rules Review? (if true, in scope)

It has been rumored that the version of the rulemaking being submitted to Rules Review has language different from what was noticed in the NC Register, and different from what was adopted by the Council at the winter meeting. I hope this rumor is untrue, but it must be addressed. Though I have no direct evidence, a 3rd party forwarded a copy of a memorandum with the corrected proposal language provided by Mr. Privott to only-in-person voting members and possibly others at the meeting. If documentation is desired, I have archived the Register, the various versions of the minutes/agenda, public comments, and communications with DOI. When the crux of the proposal is the standard referenced, and the public questions which standard is proposed, and no clarification is made *in public*, then stakeholders feel actively excluded. *Historically, staff changes to referenced standards in exiting, approved code language are not editorial, if the changes to the standard are substantive. Since D-23 is approved code language, a substantive standard reference change is not editorial and would require public notice.*

(4) This is a formal request for a fiscal note. (in scope)

Various fiscal “analysis” documents have been provided at different times to different parties. Originally, the proponent claimed no impact. This is patently false. I’ve seen another “analysis” claiming that the new compliance path is an option, so does not require an analysis. This would be true if the optional path provided equal or greater energy cost savings vs. the other compliance paths. The proponent has not demonstrated equal or better. In fact, because of the (intentional?) removal of multiple mandatory provisions in all other compliance pathways, the lack of clarity regarding the standard, the lack of software/calculations requirements, no definition of an Energy Rating Index, the lack of a baseline for proposed building comparison, and others, there *is no enforceable minimum energy efficiency*. An official “analysis” was provided by DOI communications, which cited the analysis conducted for the original compliance pathway using Standard 301-2014. Again, the confusion about the referenced standard is a common problem, which is why the public demanded clarity; see below from the “Special Note” of Standard 301-2019:

“... **incorporates a number of substantive changes**, the more significant of which are all addenda to the first edition and criteria specific to **Attached Dwelling and attached Sleeping Units** in buildings of all heights.”
[emphasis added]

This proposal functionally eliminates an energy efficiency floor in North Carolina. The current language likely prevents a cost analysis because there are many technical flaws that it is unusable. Feasible or not, I request a referral to the Office of State Budget and Management for the development of a fiscal note. If further information is needed, I am at the disposal of Council staff, Rules Review, and OSBM.

Many thanks for your time and consideration,

-Ben Edwards

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Residential Code, N1101.13(R401.2)

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 9B, this is not the reason for amendment that you published in the Register. Please update it here.

In Item (5), you refer to the "Calculation and Labeling of the Energy Performance of Dwelling and Sleeping Units" but you published "Calculation and Labeling of the Energy Performance of Low-Rise Residential Buildings." Was this change made in response to public comment?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Residential Code
N1101.13 (R401.2) Compliance. (200714 Item B-23)

IRC Chapter 11

N1101.13 (R401.2) Compliance. Projects shall comply with one of the following:

1. Sections N1101.14 through N1104.
2. Section N1105 and the provisions of Sections N1101.14 through N1104 labeled “Mandatory.”
3. An energy rating index (ERI) approach in Section N1106.
4. North Carolina specific REScheck™ shall be permitted to demonstrate compliance with this code. Envelope requirements may not be traded off against the use of high efficiency heating or cooling equipment. No trade-off calculations are needed for required termite inspection and treatment gaps.
5. Rated in accordance with ANSI/RESNET/ICC 301-2019 Standard for the Calculation and Labeling of the Energy Performance of Dwelling and Sleeping Units using an Energy Rating Index with a maximum energy rating index (ERI) less than or equal to the appropriate value indicated in one of the following tables as applicable, when compared to the ERI reference design:

MAXIMUM ENERGY RATING INDEX
(without calculation of on-site renewable energy)

<u>CLIMATE ZONE</u>	<u>JAN. 1, 2019 – Dec. 31, 2022</u>	<u>JAN. 1, 2023 AND FORWARD</u>
<u>3</u>	<u>65</u>	<u>61</u>
<u>4</u>	<u>67</u>	<u>63</u>
<u>5</u>	<u>67</u>	<u>63</u>

MAXIMUM ENERGY RATING INDEX
(including calculation of on-site renewable energy)

<u>CLIMATE ZONE</u>	<u>JAN. 1, 2019 – Dec. 31, 2022</u>	<u>JAN. 1, 2023 AND FORWARD</u>
<u>3</u>	<u>51</u>	<u>42</u>
<u>4</u>	<u>54</u>	<u>50</u>
<u>5</u>	<u>55</u>	<u>51</u>

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Fire Code, Chapter 2

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

I take it that you are defining these terms due to their use in G.S. 143-138(b2)?

For "Carbon Monoxide Alarm" what is a "distinct audible signal"?

For "Carbon Monoxide Detector" will this be connected to a carbon monoxide alarm device, as defined in the first term?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Fire Code

Chapter 2 Definitions. (200714 Item B-16)

CARBON MONOXIDE ALARM. A single- or multiple-station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal. It incorporates a sensor, control components and an alarm notification appliance in a single unit.

CARBON MONOXIDE DETECTOR. A device with an integral sensor to detect carbon monoxide gas and transmit an alarm signal to a connected alarm control unit.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Fire Code, 315.3.1

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 9B, this is not the reason for amendment that you published in the Register. Consider updating it here.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Fire Code

Section 315.3.1 Ceiling clearance. (200714 Item B-13)

315.3.1 Ceiling clearance.

Storage shall be maintained 2 feet (610 mm) or more below the ceiling in nonsprinklered areas of buildings or not less than 18 inches (457 mm) below sprinkler head deflectors in sprinklered areas of buildings.

Exceptions:

1. The 2-foot (610 mm) ceiling clearance is not required for storage along walls in nonsprinklered areas of buildings.

2. The 18-inch (457 mm) ceiling clearance is not required for storage along walls in areas of buildings equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Fire Code, 907.2.1

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 9B, this is not the reason for amendment that you published in the Register. Consider updating it here.

In the Rule, please remove the period after "or more" as you are replacing it with a comma "300 or more, or where..."

Please note, the current language in the Code is "... with Sections 707.3.10 and 711.2.4" (plural)

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Fire Code and Building Code
Section 907.2.1 Group A. (200714 Item B-14)

907.2.1 Group A.

A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies where the occupant load due to the assembly occupancy is 300 or more., or where the Group A occupant load is more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 and 711.2.4 of the

International Building Code shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Fire Code, 2303.2.1

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 9B, this is not the reason for adoption that you published in the Register. Consider updating it here.

In the Rule, 48 inches converts to 1219 mm. What height did you mean to insert here?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Fire Code

Section 2303.2.1 Height. (200714 Item B-15)

2303.2.1 Height.

The height of the emergency disconnect switch shall be not less than 42 inches (1067 mm) and not more than 48 inches (1372 mm) measured vertically, from the floor level to the activating button.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Existing Building Code, Chapter 2

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

I take it that you are defining these terms due to their use in G.S. 143-138(b2)?

For "Carbon Monoxide Alarm" what is a "distinct audible signal"?

For "Carbon Monoxide Detector" will this be connected to a carbon monoxide alarm device, as defined in the first term?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Existing Building Code
Chapter 2 Definitions. (200714 Item B-10)

CARBON MONOXIDE ALARM. A single- or multiple-station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal. It incorporates a sensor, control components and an alarm notification appliance in a single unit.

CARBON MONOXIDE DETECTOR. A device with an integral sensor to detect carbon monoxide gas and transmit an alarm signal to a connected alarm control unit.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Existing Building Code, 402.6

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 9B, this is not the reason for amendment that you published in the Register. Consider updating it here.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Existing Building Code

Section 402.6 Carbon monoxide alarms in existing portions of a building. (200714 Item B-11)

402.6 Carbon monoxide alarms in existing portions of a building. Where an addition is made to a building or structure of a Group A-2, I-1, I-2, I-4 or R occupancies, or classrooms are added in Group E occupancies, the *existing building* shall be provided with carbon monoxide alarms in accordance with Section 915 of the *North Carolina Building Code*, except that the carbon monoxide alarms shall be allowed to be solely battery operated.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Fuel Gas Code, Section 202

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

I take it that you are defining these terms due to their use in G.S. 143-138(b2)?

For "Carbon Monoxide Alarm" what is a "distinct audible signal"?

For "Carbon Monoxide Detector" will this be connected to a carbon monoxide alarm device, as defined in the first term?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Fuel Gas Code
202 Definitions. (200714 Item B-7)

CARBON MONOXIDE ALARM. A single- or multiple-station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal. It incorporates a sensor, control components and an alarm notification appliance in a single unit.

CARBON MONOXIDE DETECTOR. A device with an integral sensor to detect carbon monoxide gas and transmit an alarm signal to a connected alarm control unit.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Mechanical Code, Chapter 2

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

I take it that you are defining these terms due to their use in G.S. 143-138(b2)?

For "Carbon Monoxide Alarm" what is a "distinct audible signal"?

For "Carbon Monoxide Detector" will this be connected to a carbon monoxide alarm device, as defined in the first term?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Mechanical Code
Chapter 2 Definitions. (200714 Item B-8)

CARBON MONOXIDE ALARM. A single- or multiple-station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal. It incorporates a sensor, control components and an alarm notification appliance in a single unit.

CARBON MONOXIDE DETECTOR. A device with an integral sensor to detect carbon monoxide gas and transmit an alarm signal to a connected alarm control unit.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Plumbing Code, 405.3.1

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 9B, this is not the reason for amendment that you published in the Register. Consider updating it here.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Plumbing Code

405.3.1 Water closets, urinals, lavatories and bidets. (200714 Item B-5)

405.3.1 Water closets, urinals, lavatories and bidets.

A water closet, urinal, lavatory or bidet shall not be set closer than 15 inches (381 mm) from its center to any side wall, partition, vanity or other obstruction, or closer than 30 inches (762 mm) center to center between adjacent fixtures. There shall be not less than a 21-inch (533 mm) clearance in front of the water closet, urinal, lavatory or bidet to any wall, fixture or door. Water closet compartments shall be not less than 30 inches (762 mm) in width and not less than 60 inches (1524 mm) in depth for floor-mounted water closets and not less than 30 inches (762 mm) in width and 56 inches (1422 mm) in depth for wall-hung water closets.

Exceptions:

Exception:

1. For detached one- and two-family dwellings and townhouses, see the North Carolina Residential Code, Figure Section R307.1 for minimum fixture clearances.

2. Private side by side lavatories may be less than 30 inches (762 mm) center to center.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Building Code Council

RULE CITATION: NC Administrative Code, 106.4

DEADLINE FOR RECEIPT: Friday, February 12, 2021

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form, Box 9B, this is not the reason for adoption that you published in the Register. Consider updating it here.

106.4.1: *What do you mean by "Acceptable"? Do you even need it here, or could you just state "Temporary signage may include..."?*

Should "approved" in "approved temporary method" be italicized, as the term is defined?

106.4.2: *To whom is this "clearly legible"? Do you need "clearly" here?*

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2021

SUBMISSION FOR PERMANENT RULE

2018 NC Administrative Code

106.4 Site Address Signage. (200714 Item B-1)

106.4 Site address signage. It is the responsibility of the permit applicant or designee to post the 911 site address on an active jobsite at the commencement of work regulated by the NC Building Codes. The signage shall be temporary or permanent per 106.4.1 or 106.4.3.

106.4.1 Temporary signage. Signage to identify a construction site location can be temporary. Acceptable temporary signage may include such items as a permit placard, an address written on job box, yard signage or other approved temporary method. Temporary street name markers shall be required if permanent street signs are not in place for new developments or subdivisions.

106.4.2 Temporary Signage Location. Address signage shall be placed such that it is clearly legible from the street or road that fronts the property at all times during construction.

106.4.3 Permanent signage. Address signage meeting the requirements of the *International Residential Code* Section R319 for One- and Two-family Dwellings, *International Building Code* Section 501.2 or *International Fire Code* Section 505.1 for commercial buildings shall be deemed as meeting the requirements of this section.