


# SUBMISSION FOR PERMANENT RULE

<b>1. Rule-Making Agency: NC Building Code Council</b>	
<b>2. Rule citation &amp; name (name not required for repeal):</b> 2018 NC Building Code Section 3006.3 Hoistway opening protection (210914 Item B-4)	
<b>3. Action:</b> <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
<b>6. Notice for Proposed Rule:</b> <input checked="" type="checkbox"/> <b>Notice Required</b> Notice of Text published on: November 1, 2021 Link to Agency notice: <a href="https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice">https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice</a> Hearing on: December 14, 2021 Adoption by Agency on: March 15, 2022 <input type="checkbox"/> <b>Notice not required under G.S.:</b> Adoption by Agency on:	
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  <input checked="" type="checkbox"/> No	<b>8. Fiscal impact. Check all that apply.</b> <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 ( $\geq$ \$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
<b>9. REASON FOR ACTION</b>	
<b>9A. What prompted this action? Check all that apply:</b> <input checked="" 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:	
<b>9B. Explain:</b> The addition of the vision panel is required by the Elevator Division of NC DOL to provide emergency responders the opportunity to see what is happening on a floor before opening the smoke and draft control door and exposing the elevator shaft to possible smoke and hot gases. The delayed effective date of this Rule is January 1, 2023. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
<b>10. Rulemaking Coordinator: David B. Rittlinger</b> <b>David B. Rittlinger</b> <b>Phone: (919)647-0008</b> <b>E-Mail: david.rittlinger@ncdoi.gov</b>  <b>Additional agency contact, if any:</b> <b>Phone:</b> <b>E-Mail:</b>	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b>    <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.  <b>Typed Name: David B. Rittlinger</b> <b>Title: Chief Code Consultant</b>
<b>RRC AND OAH USE ONLY</b>	
<b>Action taken:</b> <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 Building Code

3006.3 Hoistway opening protection (210914 Item B-4)

**3006.3 Hoistway opening protection.** Where Section 3006.2 requires protection of the elevator hoistway door opening, the protection shall be provided by one of the following:


1. An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway *shaft enclosure* doors from each floor by fire partitions in accordance with Section 708. In addition, doors protecting openings in the elevator lobby enclosure walls shall comply with Section 716.5.3 as required for *corridor* walls. Penetrations of the enclosed elevator lobby by ducts and air transfer openings shall be protected as required for *corridors* in accordance with Section 717.5.4.1.

2. An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway *shaft enclosure* doors from each floor by smoke partitions in accordance with Section 710 where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2. In addition, doors protecting openings in the *smoke partitions* shall comply with Sections 710.5.2.2, 710.5.2.3 and 716.5.9. Penetrations of the enclosed elevator lobby by ducts and air transfer openings shall be protected as required for *corridors* in accordance with Section 717.5.4.1.

3. Additional doors shall be provided at each elevator hoistway door opening in accordance with Section 3002.6. Such door shall comply with the smoke and draft control door assembly requirements in Section 716.5.3.1 when tested in accordance with UL 1784 without an artificial bottom seal and contain a vision panel as allowed by Table 716.5. The door shall not be installed in a way that affects the fire-resistance-rating or operation of the normal elevator shaft doors.

4. The elevator hoistway shall be pressurized in accordance with Section 909.21.

# SUBMISSION FOR PERMANENT RULE

<b>1. Rule-Making Agency: NC Building Code Council</b>	
<b>2. Rule citation &amp; name (name not required for repeal):</b> 2018 NC Fire Code Section 304.4.2.3 (210914 Item B-5)	
<b>3. Action:</b> <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
<b>6. Notice for Proposed Rule:</b> <input checked="" type="checkbox"/> <b>Notice Required</b> Notice of Text published on: November 1, 2021 Link to Agency notice: <a href="https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices">https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices</a> Hearing on: December 14, 2021 Adoption by Agency on: March 15, 2022 <input type="checkbox"/> <b>Notice not required under G.S.:</b> Adoption by Agency on:	
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	<b>8. Fiscal impact. Check all that apply.</b> <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
<b>9. REASON FOR ACTION</b>	
<b>9A. What prompted this action? Check all that apply:</b> <input checked="" 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:	
<b>9B. Explain:</b> This change removes the requirements for non-sprinklered buildings.  The delayed effective date of this Rule is July 1, 2022. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
<b>10. Rulemaking Coordinator: David B. Rittlinger</b> David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov  Additional agency contact, if any: Phone: E-Mail:	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b> <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *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
<b>RRC AND OAH USE ONLY</b>	
<b>Action taken:</b> <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 Fire Code  
304.4.2.3 (210914 Item B-5)

**304.4.2.3.** Containers used for valet trash collection shall not exceed a capacity of 2.0 cubic feet (15 gallons, 0.06 cubic meters) and shall be provided with tight-fitting or self-closing lids. Containers and lids shall ~~comply with either:~~

~~1. Containers and lids located in an area that is protected by fire sprinklers shall be constructed entirely of noncombustible materials or materials that meet a peak rate of heat release not exceeding 300 kW/m<sup>2</sup> when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m<sup>2</sup> in the horizontal orientation. Containers and lids shall be listed or bear the label of an approved agency that validates compliance with this requirement; or~~

~~2. Containers and lids located in an area that is not protected by fire sprinklers shall be constructed entirely of noncombustible materials or materials that meet a peak rate of heat release not exceeding 150 kW/m<sup>2</sup> when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m<sup>2</sup> in the horizontal orientation. Containers and lids shall be listed or bear the label of an approved agency that validates compliance with this requirement~~

# SUBMISSION FOR PERMANENT RULE

<b>1. Rule-Making Agency: NC Building Code Council</b>	
<b>2. Rule citation &amp; name (name not required for repeal):</b> 2018 NC Building Code Section 3006.2 Hoistway opening protection required (210914 Item B-3)	
<b>3. Action:</b> <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
<b>6. Notice for Proposed Rule:</b> <input checked="" type="checkbox"/> <b>Notice Required</b> Notice of Text published on: November 1, 2021 Link to Agency notice: <a href="https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice">https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice</a> Hearing on: December 14, 2021 Adoption by Agency on: March 15, 2022 <input type="checkbox"/> <b>Notice not required under G.S.:</b> Adoption by Agency on:	
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	<b>8. Fiscal impact. Check all that apply.</b> <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
<b>9. REASON FOR ACTION</b>	
<b>9A. What prompted this action? Check all that apply:</b> <input checked="" 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:	
<b>9B. Explain:</b> Addressing unfinished or unoccupied stories that would require such protection for occupied stories clarifies and prevents the possibility of smoke and hot gases from those vacant stories from entering the elevator shaft.  The delayed effective date of this Rule is January 1, 2023. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
<b>10. Rulemaking Coordinator: David B. Rittlinger</b> David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov  <b>Additional agency contact, if any:</b> Phone: E-Mail:	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b>   *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
<b>RRC AND OAH USE ONLY</b>	
<b>Action taken:</b> <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 Building Code

3006.2 Hoistway opening protection required (210914 Item B-3)


**3006.2 Hoistway opening protection required.** Elevator hoistway door openings for occupied and unoccupied stories shall be protected in accordance with Section 3006.3 where an elevator hoistway connects more than three *stories*, is required to be enclosed within a *shaft enclosure* in accordance with Section 712.1.1 and any of the following conditions apply:

1. The building is not protected throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.
2. The building contains a Group I-1, Condition 2 occupancy.
3. The building contains a Group I-2 occupancy.
4. The building contains a Group I-3 occupancy.
5. The building is a high rise and the elevator hoistway is more than 75 feet (22 860 mm) in height. The height of the hoistway shall be measured from the *lowest floor* to the highest floor of the floors served by the hoistway.

**Exceptions:**

1. Protection of elevator hoistway door openings is not required where the elevator serves only *open parking garages* in accordance with Section 406.5.
2. Protection of elevator hoistway door openings is not required at the level(s) of [~~exit discharge~~] exit discharge, provided that the level(s) of [~~exit discharge~~] exit discharge is equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1.
3. Enclosed elevator lobbies and protection of elevator hoistway door openings are not required on levels where the elevator hoistway opens to the exterior.

# SUBMISSION FOR PERMANENT RULE

<b>1. Rule-Making Agency: NC Building Code Council</b>	
<b>2. Rule citation &amp; name (name not required for repeal):</b> 2018 NC Building Code Section 116 Unsafe Structures and Equipment (210914 Item B-2)	
<b>3. Action:</b> <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
<b>4. Rule exempt from RRC review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	<b>5. Rule automatically subject to legislative review?</b> <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
<b>6. Notice for Proposed Rule:</b> <input checked="" type="checkbox"/> <b>Notice Required</b> Notice of Text published on: November 1, 2021 Link to Agency notice: <a href="https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices">https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices</a> Hearing on: December 14, 2021 Adoption by Agency on: March 15, 2022 <input type="checkbox"/> <b>Notice not required under G.S.:</b> Adoption by Agency on:	
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	<b>8. Fiscal impact. Check all that apply.</b> <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
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<b>9B. Explain:</b> Provides a direct means to protect the public from unsafe buildings. The NCFC also directs the fire official to notify the building official of an unsafe building, but the NCBC currently provides no direction on how to address securing an unsafe building.  The delayed effective date of this Rule is January 1, 2023. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
<b>10. Rulemaking Coordinator: David B. Rittlinger</b> David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov  <b>Additional agency contact, if any:</b> Phone: E-Mail:	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b>   *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
<b>RRC AND OAH USE ONLY</b>	
<b>Action taken:</b> <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 Building Code  
Section 116 Unsafe Structures and Equipment (210914 Item B-2)

## SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT


~~Deleted. See the North Carolina Administrative Code and Policies~~

**116.1 General.** Owners of [~~Unsafe~~] unsafe structures or equipment [~~must~~] shall comply with a code enforcement official's authority as described in [~~the~~] NC Administrative Code and Policies[~~;~~] Section 204.2.8[~~;~~] and G.S. 160D-1119.

**116.2 Public access.** The structure owner or his representative shall secure the unsafe structure by a method *approved* by the local *building official* to prevent public access. The *approved* method shall be in place within the time limit specified in writing by the *building official* in the notice of unsafe building.



# SUBMISSION FOR PERMANENT RULE

<b>1. Rule-Making Agency: NC Building Code Council</b>	
<b>2. Rule citation &amp; name (name not required for repeal):</b> 2018 NC Residential Code R404.4 Retaining Walls (210914 Item B-1)	
<b>3. Action:</b> <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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<b>6. Notice for Proposed Rule:</b> <input checked="" type="checkbox"/> <b>Notice Required</b> Notice of Text published on: November 1, 2021 Link to Agency notice: <a href="https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice">https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice</a> Hearing on: December 14, 2021 Adoption by Agency on: March 15, 2022 <input type="checkbox"/> <b>Notice not required under G.S.:</b> Adoption by Agency on:	
<b>7. Rule establishes or increases a fee? (See G.S. 12-3.1)</b> <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	<b>8. Fiscal impact. Check all that apply.</b> <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
<b>9. REASON FOR ACTION</b>	
<b>9A. What prompted this action? Check all that apply:</b> <input checked="" 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:	
<b>9B. Explain:</b> The intent of this modification is to align the residential code with the commercial code for retaining walls on a site not supporting a structure.  The delayed effective date of this Rule is January 1, 2025. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
<b>10. Rulemaking Coordinator: David B. Rittlinger</b> <b>David B. Rittlinger</b> <b>Phone: (919)647-0008</b> <b>E-Mail: david.rittlinger@ncdoi.gov</b>  <b>Additional agency contact, if any:</b> <b>Phone:</b> <b>E-Mail:</b>	<b>11. Signature of Agency Head* or Rule-making Coordinator:</b>   *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.  <b>Typed Name: David B. Rittlinger</b> <b>Title: Chief Code Consultant</b>
<b>RRC AND OAH USE ONLY</b>	
<b>Action taken:</b> <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  
R404.4 Retaining Walls (210914 Item B-1)

**R404.4 Retaining Walls.** Retaining walls that meet the following shall be designed by a [~~registered design professional~~] *registered design professional*.

1. Any retaining [~~wall~~] walls systems on a residential site that cross over adjacent property lines regardless of vertical height, or
2. Retaining walls that support buildings and their *accessory structures*, undercutting footings [~~10'~~] 10 feet or less per R403.1.9 and Figure 403.1.9, or
3. ~~Retaining~~ Individual retaining walls supporting unbalanced backfill exceeding ~~4 feet (1219mm)~~ 5 feet (1524 mm) ~~of unbalanced backfill in height~~ within a horizontal distance of 15 feet (4572 mm) or less, or
4. ~~Retaining~~ Multiple retaining walls systems providing a cumulative vertical relief of unbalanced backfill heights greater than ~~5 [Feet]~~ 5 feet (1524 mm) ~~in height~~ within a horizontal separation distance of 50 feet (15M) 15 feet (4572 mm) or less.

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