

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

NOTE: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

I note that "code" is not capitalized throughout this Code. So, I take it that it should remain lowercase everywhere is used as such?

Correct. "Code" is capitalized for specific uses (NC Building Code, International Building Code, etc.) and lowercase for general use elsewhere. We will coordinate this, where necessary, in the final ICC publication.

So that I'm clear – this will be the 2018 Building Code? Or is it the 2019 Code?

This will be the 2018 NC Building Code. The effective date will be 1/1/2019.

Please confirm that the omission of Chapters 8, 13, 28 (other than the name), and 35 of the Code in the packet means the agency intends to adopt the existing language of the 2015 edition of the International Building Code ("IBC") as the NC Building Code with no changes.

Correct. 2018 NC Amendments to the 2015 I-Codes are indicated by ~~strikethrough~~/underline.

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

**Barry Gupton, PE
Chief Code Consultant**

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, 101.2 and 202

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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In reviewing these rules, the staff determined that the following technical changes need to be made:

101.2: So that I'm clear – the language presented in response to this petition will be the version of 101.2 that is entered into the Code, not the language on Page 1 of the packet?

Correct. The 2-separate petitions (Farm Building, Type A Unit) will be entered into this Code.

Please confirm that Exception 2 conforms to the definition of farm building in G.S. 143-138(b4)(1), as amended by SL 2017-108.

That is the intent of 101.2 and the Building/Fire Code "Farm Building" definition. The "Farm Act" includes, by reference, numerous specific farm uses. The Code requirements do not supersede the Statutes.

In Item (2)a, consider replacing the comma after "purposes" with a semicolon.

Replace "comma" with "semicolon" as requested.

2. Farm buildings not used for:

a. Sleeping purposes; or

b. Storage of hazardous materials in excess of those listed in Tables 307.1(1) and 307.1(2) within the building rules jurisdiction of any municipality.

In (4), please state "N.C.G.S."

Stated as requested.

4. The design construction, location, installation or operation of equipment or facilities of a public utility, as defined in N.C.G.S. 62-3, or electric or telephone membership corporation, including without limitation poles, towers and other structures supporting electric or communication lines from the distribution network up to the meter location.

In (4), I recommend inserting a comma after "towers"

ICC does not use the Oxford comma, unless specifically needed.

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In (5), you cite to Article 18 here, but in the Fire Prevention Code, you give specific statutes. Consider being consistent. You may wish to state “The storage and handling of substances governed by the Hazardous Chemicals Right to Know Act in N.C.G.S. Chapter 95, Article 18.”

Regardless of the citation you use, in (5), state “N.C.G.S.”

Stated as suggested.

5. The storage and handling of substances governed by the Hazardous Chemicals Right to Know Act in N.C.G.S. Chapter 95, Article 18.

Chapter 2: *You state that the building cannot be accessed by the general public. However, G.S. 143-138(b4) states:*

(b4) Exclusion for Certain Farm Buildings. - Building rules do not apply to (i) farm buildings that are located outside the building-rules jurisdiction of any municipality, (ii) farm buildings that are located inside the building-rules jurisdiction of any municipality if the farm buildings are greenhouses, (iii) a primitive camp, or (iv) a primitive farm building. For the purposes of this subsection:

(1) A "farm building" shall include:

b. Any structure used for the display and sale of produce, no more than 1,000 square feet in size, open to the public for no more than 180 days per year, and certified by the Department of Agriculture and Consumer Services as a Certified Roadside Farm Market.

(1a) A "farm building" shall not lose its status as a farm building because it is used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

I understand that the intention is to exempt some buildings from the Building Code. What is the authority of the Council to narrow the definition of farm building in this Rule.

There is no intent to narrow the NCGS exceptions. 102.2 provides a general statement.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

Please confirm that this definition conforms to the definition of farm building in G.S. 143-138(b4)(1), as amended by SL 2017-108.

On the second line, delete “but is not limited to”

On the third line, I recommend inserting a comma after “storage”

On the fourth line, I recommend inserting a comma after “poultry”

That is the intent of 101.2 and the Building/Fire Code “Farm Building” definition. The “Farm Act” includes, by reference, numerous specific farm uses. The Code requirements do not supersede the Statutes.

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Delete “but is not limited to” as requested.

ICC does not use the Oxford comma, unless specifically needed.

FARM BUILDING. Any *building* not used for sleeping purposes that is not accessed by the general public and is used primarily for a **farm** purpose. **Farm** purposes **includes structures** or *buildings* for **equipment**, storage and processing of agricultural products or commodities such as: crops, fruits, vegetables, ornamental or flowering plants, dairy, timber, livestock, poultry and all other such forms of agricultural products by the specific farm on which the structure or *building* is located. **Farm** purposes do not include structures or *buildings* for uses such as education facilities, research facilities, or aircraft hangers.

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

Barry Gupton, PE
Chief Code Consultant

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, 103, 104, 105, 106, 107,108, 109,110, 111, 112, 113, 114, 115, 116

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In reviewing these rules, the staff determined that the following technical changes need to be made:

What are the Administrative Code and Policies you are referring to here? You need to specify this or the rules are unclear as written. If the intent is to state that that governing law and rules will apply, do you intend to state that at all or just not have these Sections within the code?

This general statement has been used in the NC State Building Codes since the 2002 edition (2002, 2006, 2009, 2012). It refers to the NC Administrative Code and Policies volume of the NC State Building Codes.

105.1.2: *When this is published, will “fire code official” be italicized, since it is a defined term in the Code?*

The “fire code official” definition is found in the Fire Code, and is italicized there.

I am sure your regulated public knows what you mean by “A permit listed as optional does not make any of the technical provisions optional.” However, I’m not sure I do. Can you explain this to me?

The “permit” is an inspection and enforcement tool. The Code requirements exist even though a permit is optional (or not required). An exemption from the Code (such as Farm Buildings) would additionally be an exemption from permits.

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Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 2

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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Throughout this Rule, wherever you are removing the end of the sentence, make sure you end the sentences with a period. (See for example "Coastal A Zone")

The period at the end of sentences will remain. All punctuation will be further coordinated during final ICC publication.

You are defining "Bed and Breakfast Home" That term is defined in G.S. 130A-247 and this does not track it exactly. Is this not a concern, given the use of the term in G.S. 143-138, as well as other parts of this Code?

No. The Building Code only addresses construction standards. The "food and drink" limits are regulated by other agencies.

Do you not also need to define "bed and breakfast inn," again based upon G.S. 143-138 and other parts of this Code.

No. A "bed and breakfast inn" will be regulated by this Code as a Group R-1 (boarding house, hotel, motel).

In Fiber-Reinforced Polymer, I suggest removing the semicolon after "types" and stating "of these fiber types that are then..."

Stated as suggested.

FIBER-REINFORCED POLYMER (FRP).

A polymeric composite material consisting of reinforcement fibers, impregnated with a fiber-binding polymer, such as glass, carbon, aramid, or hybrid combinations of these fiber types that are then molded and hardened. Fiber-reinforced polymers are permitted to contain cores laminated between fiber-reinforced polymer facings.

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For "Fireworks, 1.4G," I know you are reciting G.S. 14-414 here. Do you need to do so for the convenience of your regulated public, or would pointing them to the statute be sufficient?

Assuming you need to retain it, replace "which" with "that" in 4 and 6.

And in 4, the statute has "noisemakers" as one word. Is the use of "noise makers" correct?

This is for the convenience of the Code user (primarily the Fire Official).

Change to "that" as requested.

Change to "noisemakers" as requested.

Fireworks, 1.4G.

North Carolina General Statute 14-414. The following fireworks are allowed to be sold, used or possessed without a permit:

1. Explosive caps designed to be fired in toy pistols, provided that the explosive mixture of the explosive caps shall not exceed twenty-five hundredths (0.25) of a gram for each cap;
2. Snake and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a large, snake-like ash when burning;
3. Smoke devices consisting of tube or sphere containing a pyrotechnic mixture that produce white or colored smoke;
4. Trick noisemakers that produce a small report designed to surprise the user that include:
 - 4.1 A party popper, that is a small plastic or paper item containing not in excess of 16 milligrams of explosive mixture. A string protruding from the device is pulled to ignite the device, expelling paper streamers and producing a small report.
 - 4.2 A string popper, that is small tube containing not in excess of 16 milligrams of explosive mixture with a string protruding from both ends. The strings are pulled to ignite the friction-sensitive mixture, producing a small report.
 - 4.3 A snapper or drop pop, that is a small paper-wrapped item containing no more than 16 milligrams of explosive mixture coated on small bits of sand. When dropped, the device produces a small report.
5. Wire sparklers consisting of wire or stick coated with nonexplosive mixture that produces a shower of sparks upon ignition. These items must not exceed 100 grams of mixture per item;
6. Other sparkling devices that emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, do not spin, are hand-held or ground-based, cannot propel themselves through the air and contain not more than 75 grams of chemical compound per tube or not more than 200 grams of chemical compound if multiple tubes are used.

For "ladder," the specific cited CFR is for scaffolding and rope descent systems. What is the correct citation?

Updated to current citation.

LADDER. As described by OSHA standard 29 CFR 1910 – General Industry, Part **1910.23 – Ladders.**

In the definition of "Night Club" replace "and/or" with "or" and delete the "and" at the end of 1.

Revised as requested.

NIGHTCLUB. An A-2 occupancy meeting all of the following conditions:

1. The aggregate floor area of concentrated use and standing space that is used for dancing or viewing of performers exceeds 10 percent of the Group A-2 fire area, excluding adjacent lobby areas;
2. Provides live or recorded entertainment by performing artist; and

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3. Allows alcoholic beverages consumption.

In "Open Air Camp Cabin," I recommend inserting an "and" after "cooling system,"

Revised as requested.

OPEN AIR CAMP CABIN. A single-story residential building that has three walls consisting of at least twenty percent (20%) screened openings with a maximum height of 44 inches above the finished floor to the bottom of the openings, has no heating or cooling system, and is occupied for no more than 150 days within any rolling 365-day time span.

For the definition of "Respite Care Facility" please confirm this complies with the statutory definition.

It complies with the portion of the GS definition needed to classify the Occupancy in Chapter 3. Other agencies regulate the licensure requirements.

Also for this term, the second sentence is not a complete sentence. Should this read "The length of stay per recipient shall not exceed..."

Modified to complete the sentence.

RESPITE CARE FACILITY. A facility that provides overnight, temporary custodial care to no more than 6 individuals who are elderly, have physical disability or mental impairment. The length of stay shall not exceed 14 consecutive calendar days and 60 total days annually per recipient.

For "Temporary Overflow Shelter," I take it "temporary" is understood by your regulated public?

Yes. Temporary is described in the Building/Fire Codes.

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

**Barry Gupton, PE
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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 3

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In reviewing these rules, the staff determined that the following technical changes need to be made:

305.1.2 and 308.6.5: Please state "N.C.G.S. 110-86(2)(d) and (d1)"

Stated as requested.

305.1.2 Drop-in/short-term child care. Drop-in/short-term child care facility as defined in **N.C.G.S. 110-86(2)(d) & (d1)** shall be classified as Group E.

308.6.5 Drop-in/short-term child care. Drop-in/short-term child care facility as defined in **N.C.G.S. 110-86(2)(d) & (d1)** shall be classified as Group E.

308.6: You refer to "facility" (singular) licensed as "facilities" (plural) Please make this consistent.

Consistent as requested.

Respite Care Facility licensed as I-4 day care **facility**

310.3 and 310.4: When you publish, won't "open air camp cabin" be italicized since it's being defined?

Yes.

Open air camp cabin (transient) with 17 to 36 occupants

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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 4

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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In reviewing these rules, the staff determined that the following technical changes need to be made:

When you publish, will the defined terms in Chapter 2 be italicized? For example, "smoke compartment" and "approved"?

Yes. Defined terms will be coordinated in the final ICC publication.

407.12: In the Exception to 2, I suggest stating, "Independent standby... detection system or automatic sprinkler system, when activated, has precedence..."

Comma placement as stated.

2. Doors shall unlock upon loss of power controlling the locking device.

Exception: Independent standby power is acceptable as long as the automatic fire detection system or automatic sprinkler system, when activated, has precedence over the standby power and unlocks the door. If a nonemergency situation occurs such as a power outage, the door shall be allowed to remain locked until detection system(s) operate, provided that the power outage does not disable these detection systems. If any of the detection systems are disabled in any way, standby power controlling the locking devices will be interrupted.

In 3.1, last sentence, replace "which" with "that"

Replaced as requested.

3. A special locking system of electromagnetic locks may be utilized when all of the following requirements are met:

3.1 These types of locks may be used only in wards and wings or other portions of a facility that requires security provisions for the protection of its patients.

An on/off emergency release switch(es) must be capable of interrupting power to all electromagnetically locked doors within the ward, wing, or other portions of the facility. Release switch(es) shall be located and identified at each nurses/staff station serving the locked ward,

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wing, or other portions of the facility and any other control situation responsible for the evacuation of the occupants of the locked units that are manned 24 hours.

412.4.7.2: *I suggest inserting a comma after “a fire area”*

Comma inserted as requested.

412.4.7.2 Allowable fuel capacity.

The maximum allowable fuel quantity for a hangar shall be posted. Where multiple hangars are located within a fire area, the maximum allowable fuel quantity for the fire area will be posted in each hanger.

427.1.3: *What is your authority to mandate staffing ratios? I understand training, but what is the authority to require awake overnight staff?*

This is a special allowance in a building (often an existing church) that is not designed for this use. There is no licensure oversight. The awake staff is a safeguard (similar to an alarm) to alert sleeping occupants of immediate hazards.

427.1.4: *In the second paragraph, state “The building owner”*

Stated as requested.

427.1.4 Fire alarm and detection systems.

Functioning smoke detection and a local fire alarm system per 907.2.8 shall be provided throughout the sleeping room and exit access corridors and stairs of the temporary overflow emergency shelter.

The building owner shall submit documentation illustrating that the fire alarm system is approved and that all emergency batteries have been tested and are operational.

427.1.5.1: *Remove the hyphen from “90 minutes”*

Remove hyphen as requested.

427.1.5.1 Illumination.

The temporary overflow emergency shelter sleeping room and exit access corridors and stairs shall have unswitched illumination and emergency powered illumination with a duration of not less than 90 minutes.

428.1: *What is a “small nonambulatory care facility” and “large residential care facility”? If this is a reference to 428.3 and others, why not state that? What is intended here?*

This section refers to the 428.2, 428.3, 428.4 and 428.5 headings. Two headings are missing in the cut/paste from the 2012 NC Code.

428.1 General.

Buildings in which more than three people are harbored for medical, charitable or other care or treatment shall be classified as residential care facilities. The state agency having jurisdiction shall classify the facility as a residential care home, small residential care facility, small nonambulatory care facility or large residential care facility.

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Here, you use the term “state agency” but in 428.3 and 428.5, you capitalize the term “State Agency” Please be consistent using the term

428.5 Large residential care facilities.

Facilities keeping no more than twelve residents, when determined by the state agency having jurisdiction to be licensable shall be classified as Group R-4, residential (North Carolina Building Code).

428.2: What do you mean by the last sentence? Is the designation as defined in the NC Residential Code? Or is this intended to state that these facilities are subject to the Residential Code?

428.2.1: I take it “normally” is known to your regulated public? (Here and elsewhere the term is used?)

Yes. It is the everyday use of an occupied space, but not an incidentally used space such as a storage attic or basement.

428.3.2: I recommend inserting a comma after “section”

428.3.2 Building height and area.

Buildings shall not exceed two stories in height or the area limitations for Group R-4. For purposes of this section, attics and basements used as habitable spaces shall be counted as stories.

428.3.4 and current 428.5.3: So that I’m clear, you are not including the language that is both underlined and struck? If so, simply remove it.

Both of these sections are marked as underlined.

428.3.6, current 428.5.5, 428.5.8: I cannot locate this table in the IBC or the packet. What did you intend to cross-reference?

428.3.6 Incidental accessory occupancies.

Any incidental use area (as defined by Table 509) shall be enclosed with one-hour fire barriers and self-closing 20-minute labeled door or provided with an automatic sprinkler system and smoke resistant separation from other areas.

428.5.6: I cannot locate the cross-reference to 425.5.8. Did you instead intend to cite to some portion of 428?

428.5.6 Corridor protection.

Unless required otherwise by Section 428.5.8, corridor partitions and doors in corridor partitions need not have a fire resistance rating but shall be designed to resist the passage of smoke. Doors shall be equipped with approved latches that will keep the door tightly closed. All doors except those to patient sleeping rooms shall be self-closing or automatic closing by smoke detection. Interior wall and ceiling finish shall be gypsum wallboard, plaster or other non-combustible material.

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429.1.3: Replace “which” with “that” and delete “but not limited to” unless you need to retain it to be consistent with the IBC.

429.1.3 Walls and Ceilings.

All walls and ceilings in rooms that are used for day care purposes and are part of the exiting path shall have interior membranes of noncombustible construction such as but not limited to plaster or gypsum wallboard or shall comply with Section 803.

430.1: Is “separated 2-hour fire-resistance rated construction” known to your regulated public? If this is not a term of art, should it read, “shall be separated by 2-hour...”? (It appears from 430.2 that this is the correct phrasing.)

Yes. Chapter 7 covers these assemblies.

430.1 Boiler rooms in public schools.

Every fuel storage room and boiler room shall be separated by 2-hour fire-resistance rated construction. Door openings shall be to the exterior and all penetrations to the interior of the building shall be protected.

430.2: Replace “which” with “that”

430.2 Open flame heating appliances in public schools.

Every comfort heating appliance installed within a building that produces an unprotected open flame shall be separated by 2-hour fire-resistance rated construction.

Exception: Direct vent tubular infrared heaters installed in gymnasiums at a minimum height of 20 feet, measured from the finished floor to the bottom of the unit, shall be permitted.

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

**Barry Gupton, PE
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Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 7

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705.12: *What is "combustible construction" and "underlayment"? Does your regulated public know?*

Yes, these are both industry terms. 703.5 further describes noncombustible.

I suggest inserting a comma after "combustible construction"

I also suggest replacing the commas at the end of 1 through 5 with semicolons.

705.12 Soffit in Group R.

In Group R buildings of combustible construction, the soffit material shall be securely attached to framing members and shall be constructed using one of the following methods:

1. Non-combustible soffit material;
2. Fire retardant treated soffit material;
3. Vinyl soffit installed over 3/4-inch wood sheathing;
4. Vinyl soffit installed over 5/8-inch gypsum board;
5. Aluminum soffit installed over 3/4-inch wood sheathing; or
6. Aluminum soffit installed over 5/8-inch gypsum board.

Venting requirements shall apply to both soffit and underlayment and shall be per Section 1203.2. Vent openings shall not be located within 5 feet horizontally of any unprotected wall opening located within 3 feet vertically below the soffit.

Exceptions:

1. Vinyl and aluminum soffit material may be installed without wood sheathing or gypsum backing board if the exterior wall finish is noncombustible for a minimum distance of 10 feet above finished grade.
2. Location of vent openings in soffits shall not be limited in buildings equipped throughout with an automatic sprinkler system complying with Section 903.3.1.1.

711.2.4.2: *Do you mean "Section" or "Table" 508.4?*

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Section. The Table is referenced in the Section.

722.6.3: On Page 59, what do you mean by “Equation 7-18” etc.?

These headings identify the equations immediately above each one.

Also, for all of the equations, replace “which” with “that”

In the definition of “Z” I cannot find the cross-reference. Do you mean Figure 721.6.3(1) on Page 59 of the packet?

The reference is correct as renumbered from the 2012 NC Code.

722.6.1: What is equation 7-21?

722.6.3 Design of fire-resistant exposed wood members.

The fire-resistance rating, in minutes, of timber beams and columns with a minimum nominal dimension of 6 inches (152 mm) is equal to:

Beams: 2.54Zb [4 -(b/d)] for beams that may be exposed to fire on four sides. (Equation 7-18)

2.54Zb [4 -(b/d)] for beams that may be exposed to fire on three sides. (Equation 7-19)

Columns: 2.54Zb [3 -(b/d)] for columns that may be exposed to fire on four sides. (Equation 7-20)

2.54Zb [3 -(b/2d)] for columns that may be exposed to fire on three sides. (Equation 7-22)

where:

b = The breadth (width) of a beam or larger side of a column before exposure to fire (inches).

d = The depth of a beam or smaller side of a column before exposure to fire (inches).

Z = Load factor, based on Figure 722.6.3(1).

721.6.3.3: What is the AITC Technical Note 7? I don’t see AITC in the list of referenced standards in Chapter 35. Does this need to be added to the Chapter in order to comply with G.S. 150B-21.6, which governs incorporation by reference?

Added to Chapter 35.

AITC
American Institute of Timber Construction
Suite 140
7012 S. Revere Parkway
Englewood, CO 80112

Standard reference number Title Referenced in code section number

AITC Technical
Note 7—96 Calculation of Fire Resistance of Glued Laminated Timbers. 721.6.3.3

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721.6.3.4: *The second and third sentences do not read as complete sentences. Are these terms of art or are you missing language here?*

I read them as complete sentences.

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

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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 9

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901.7: Do you mean "Section" or "Table" 508.4?

Section. The Table is referenced in the Section.

903.2.1.3: In Exceptions 1 and 2, is this "separate" use, rather than "separated"?

Separated.

903.2.8: In Exception 3, what are "camping units"? Are they known to your regulated public?

Yes. They are typically either an RV or a site built cabin/shelter for used camping.

End 3.1 through 3.3 with consistent punctuation. I recommend using semicolons for 3.1 and 3.2, ending 3.2 with an "and" and ending 3.3 with a period. However, if you want to end all of the sentences with periods to be consistent with 4, that is fine, too.

In Exception 4, why is "Open Air Camp Cabin" capitalized once but not in 4.1 through 4.3?

4.2 and 4.3, why is "Code" capitalized?

[F] 903.2.8 Group R.

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

Exceptions:

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

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

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

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

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

3.3. The camping unit does not have a kitchen.

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

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

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

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

903.2.8.5 and 903.2.8.6: In 1 (both rules) and 2, why not state "The building does not exceed"

903.2.8.5.1: I recommend beginning 1 and 2 "The building..."

[F]903.2.8.5 Group R Migrant Housing. Group R-2 buildings housing farm workers and their families located outside of a municipality's building rules jurisdiction may install a 13D multipurpose sprinkler system where all of the following conditions exist:

1. The building shall not exceed two stories in height;

2. The building shall not exceed 2500 square feet (232 m²) in area; and

3. The building shall have two remote means of egress.

903.2.8.5.1 Group R Migrant Housing. Migrant housing as defined by GS 95-223 shall be exempt when all of the following conditions exist:

1. The building is not more than one story in height.

2. The building meets all of the requirements of GS 95-222 through GS 95-229.1 (Chapter 95, Article 19) and 29 CFR 1910.142, as amended.

903.2.8.6 Emergency Service Sleeping Area. Group R-2 fire areas in fire stations may install a 13D sprinkler system in accordance with Section 903.3.5.1 when separated from other occupancies by a fire wall where all of the following conditions exist.

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1. The building shall not exceed one story in height.
2. The fire area shall not exceed 2500 square feet (232 m²) in area.
3. The fire area has two remote means of egress.

903.3.1.2: *Should the measurement have a comma? “(18,288 mm)”?*

No. This is ICC format.

903.4.1: *So that I’m clear – in 903.4.1(3), is the supervision in accordance with 903.4, or this section? Or should it be “monitored,” which is the language in 903.4?*

Is “constantly attended” known to your regulated public? What does this mean?

903.4.1 Exception 3 was deleted from the Building/Fire Codes by one of the separate amendments.

907.2.3: *In Exception 1, the correct cross-reference is Section 429.*

1. In other than licensed day care centers complying with Section 429, a manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.

907.5.2.1: *In Exception 4, you usually don’t say “as per” Do you mean “as defined in” or “governed by”?*

4. In Group I-2 occupancies, Group B ambulatory health care facilities and licensed large residential care facilities in accordance with Section 428.5 where occupants are incapable of evacuating themselves because of age, physical or mental disabilities, or physical restraint, audible notification appliances shall be permitted to meet the private operating mode requirements of NFPA 72 in patient care and treatment areas.

909.4: *When you publish, will “registered design professional” be italicized, since it is defined in Chapter 2?*

[F] 909.4 Analysis.

A rational analysis performed by the registered design professional and approved by the fire code official supporting the types of smoke control systems to be employed, the methods of their operations, the systems supporting them and the methods of construction to be utilized shall accompany the *construction documents* submission and include, but not be limited to, the items indicated in Sections 909.4.1 through 909.4.7.

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

Barry Gupton, PE
Chief Code Consultant

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 10

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Table 1004.1.2: In Footnote b, I cannot locate Section 303.1 exception 2 in the IBC or the packet. What is the correct cross-reference?

1004.3: What does this reference to the NC Administrative Codes and Policies mean?

1010.1.9.3: In 2.3, I cannot locate Section 1008.1.9.3 in the IBC or the packet. What is the correct cross-reference?

1010.1.9.11: In 6, why not state "Except for high-rises, for stairways serving floors above a 3-hour horizontal building separation, doors are permitted..."

1011.15.2: Please use a colon, rather than semicolon, after "a" and then use semicolons at the end of 1 and 2.

1013.3: Is the term supposed to be "open air camp cabins"?

1020.1: In the "Occupancy" column, for R, should the footnotes "h" and "e" be separated by a comma?

1020.6: In 3.3., is the term "point-of-use" hyphenated?

1030.1: In Exception 4, should it read "In Group E occupancies where the room"?

Delete the "and" at the end of 4.1 through 4.3 and replace the commas at the end of 4.1 – 4.4 with semicolons.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 11

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

1104.4: In 1.4, make sure you delete the comma after "dormitories" so the sentence ends with a period.

1.4. Government buildings. All buildings of state, county, or municipal government or any government agencies, including publicly owned schools, colleges, university buildings, and publicly owned dormitories two or more stories in height.

1111.1: In 1 and 2, the citation is G.S. 20-37.6.

1. Accessible parking spaces required by Section 1106.1. Location and design of signage shall comply with the requirements of N.C.G.S. 20-37-6 and 136-30, and the NCDOT Manual on Uniform Traffic Control Devices.

Exception: Where the total number of parking spaces provided is four or less, identification of *accessible* parking spaces is not required.

2. Accessible parking spaces required by Section 1106.2. Location and design of signage shall comply with the requirements of N.C.G.S. 20-37-6 and 136-30, and the NCDOT Manual on Uniform Traffic Control Devices.

Exception: In Group I-1, R-2, R-3 and R-4 facilities, where parking spaces are assigned to specific *dwelling units* or *sleeping units*, identification of *accessible* parking spaces is not required.

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

Barry Gupton, PE
Chief Code Consultant

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, 1107.6.2.2.1

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In the February 15, 2017 Register, you published this petition for the proposed amendment as "more than 20 units" and "at least 2 percent." The change made post-publication increased the requirement from .4 to .75. Why was this change made? Was it in response to comments?

It was a result of public comment and to comply with ADA as well as the current ICC ANSI A117.1.

In addition, you note a correlation to the 2018 Existing Building Code. Was this change made after publication to conform to that?

Yes. I have added it to the 2018 NC Existing Building Code, Section 806.1.8.

Also, in the packet, is the intent to not change 1107.6.2.2.1 on Page 97 as submitted?

1107.6.2.2.1 Type A units.

In Group R-2 occupancies containing ~~more than 20~~ **15 or more** dwelling units or sleeping units, at least ~~25~~ percent but not less than one of the units shall be a Type A unit. ~~For a site with more than 100 units, at least 2 percent of the number of units exceeding 100 shall be Type A units.~~ All Group R-2 units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units. Bedrooms in monasteries and convents shall be counted as sleeping units for the purpose of determining the number of units. Where the sleeping units are grouped into suites, only one sleeping unit in each suite shall count towards the number of required Type A units.

Exceptions:

1. The number of Type A units is permitted to be reduced in accordance with Section 1107.7.

Amanda J. Reeder
Commission Counsel

Date submitted to agency: July 25, 2017

2. *Existing structures* on a *site* shall not contribute to the total number of units on a *site*.

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

Barry Gupton, PE
Chief Code Consultant

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 15

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

1507.2.2: Doesn't the language of "of two units... up to but less than four" mean "between two and three"? If so, wouldn't it be easier to state that?

It includes two units vertical. (2.0 to 3.9)

1512.2.2.1 and 1512.2.3.3, Exception 1: I believe the numbers should have commas. "(45,720 mm)" unless it would contradict the rest of the Code.

This is standard ICC format.

1512.2.2.2, 1512.2.3.2: How will the regulated public know what is "capable of supporting the fire fighters accessing the roof"?

Yes. The standard roof live/snow load design should be adequate.

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

**Barry Gupton, PE
Chief Code Consultant**

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 16

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

1608.2, 1609.3(1), 1609.3(2), 1609.3(3), 1611.1, 1613.3.1(1), (2), (3), (4), (5), (6) and, (7), .: You are deleting the Figure in the IBC, but you don't provide the NC figure.

These will be enlarged versions of the ICC maps to see NC more clearly (during ICC publication).

Also, in 1608.2, you refer to counties requiring cite specific case studies, but I don't know what those are. And what are "hatched counties"?

These will be enlarged versions of the ICC maps to see NC more clearly (during ICC publication). It is section of the Appalachians that runs from Georgia through New England.

Which of the 1613.1 figures are you including the NC Code? It is unclear from the note, "Replace Figs 1613.5(x) with NC Figures."

The 2 maps (1613.3.1(1) and 1613.3.1 (2)) that cover the Eastern United States will be replaced with enlarged NC maps.

REPLACE FIGS. 1613.3(x) WITH NC FIGURES. UPDATE LINES TO 2015 IBC.

1609.2: In Exception 1, since you are deleting language, please be sure to insert a comma after "ASCE 7"

The comma is shown as deleted and the period at the end of the sentence remains.

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

**Barry Gupton, PE
Chief Code Consultant**

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 17

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

1701.2: You are changing the title to "Alternative materials" but keeping "new materials" in the language of the rule. Do the terms "alternative" and "new" mean the same thing?

Yes. Also, the section name does not change the requirements.

What "NC Administrative Code and Policies" are you referring to?

This is the administrative volume of the NC State Building Codes.

1701.2 New Alternative materials. New building materials, equipment, appliances, systems or methods of construction not provided for in this code, and any material of questioned suitability proposed for use in the construction of a building or structure, shall be subjected to the tests prescribed in this chapter and in the ~~approved rules to determine character, quality and limitations of use~~ North Carolina Administrative Code and Policies.

1703.4.1: Insert a period after "owner"

A period is shown at the end of the sentence.

1704.1, 1704.1.1, 1704.2, 1704.6, 1707.1: What "NC Administrative Code and Policies" are you referring to?

This is the administrative volume of the NC State Building Codes.

1704.1 General.

Special inspections and tests, statements of special inspections, responsibilities of contractors, submittals to the *building official* and structural observations shall meet the applicable requirements of this section.

Where application is made for construction as described in this section, the owner shall employ one or more special inspectors to provide inspections during construction on the types of work listed in accordance with Section 1705.1. These inspections are in addition to the inspections specified in the North Carolina Administrative Code and Policies.

Amanda J. Reeder
Commission Counsel

Date submitted to agency: July 25, 2017

1704.2.1: I take it your regulated public will understand the experience and training equivalency set forth in the Rule?

Yes. It is dependent upon the trade or type of inspection. A structural engineer or a certified welder would understand special inspections for welding, for example.

1705.1.3: Should there be an article before “building” like “the building”? If not, do you mean “building” as a verb?

End 2 with a period.

1705.1.3 Structures Requiring Special Inspections

Special inspections in accordance with Sections 1704 and 1705 are required for the building, building components or other structures according to the following:

1. Buildings or other structures listed in Table 1604.5 in Risk Category II if:

1.1. Building height exceeds 45 feet (13.7 m) or three stories; or

1.2. The building is an underground building in accordance with Section 405.1.

2. Buildings or other structures listed in Table 1604.5 in Risk Categories III or IV.

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

**Barry Gupton, PE
Chief Code Consultant**

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 18

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

1803.5.6: *What are "doubtful characteristics"? Does your regulated public know? And please note the same question for "sufficient number"*

Yes. This work is typically performed by soils specialists (engineers or technicians) who make judgement calls on the soil capacity to support foundations.

1806.2: *What does 3 mean? What are "adjoining sites" and available from whom and what are "similar" loading conditions?*

This refers to local soil conditions. If you have nearby site with a silty/clay soil that supports an office building, then you can expect same.

1807.2.5: *Is "responsible charge of a registered design professional" the same as the defined term, "registered design professional in responsible charge"?*

Yes.

1808.7.1: *Please provide the new figure.*

It is actually identical to the published figure 1808.7.1.

1809.4: *What is the "engineering analysis"? What are the contents? Does your regulated public know?*

Yes. The engineer would provide a structural design based on actual soil conditions.

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

**Barry Gupton, PE
Chief Code Consultant**

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 22

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

2211.3 and 2211.3.2: *What is the "placement diagram"? Does your regulated public know?*

Yes. This is the plan furnished by the truss manufacturer or engineer to locate trusses.

What do you mean by "detailed"?

Plans, details and sections that illustrate the design.

2211.3.2: *Who submits this to the project registered design professional? Is it the manufacturer, as stated in 2302.4.3? If so, I suggest stating that. And I take it the approval is based upon the requirements of this Code?*

Usually the truss designer/manufacturer either directly or through the contractor.

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

Barry Gupton, PE
Chief Code Consultant

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 23

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

2304.10 and 2308.1.2: *Who will determine which standard to follow or that applies?*

The code official makes the final approval, but in commercial construction, the engineer usually determines the connections for his design.

2304.12.4.2: *Please include the citation for these Rules, 02 NCAC 34.*

2304.12.4.2 Chemical termiticide treatment. Chemical termiticide treatment shall include soil treatment and field-applied-wood treatment. The concentration, rate of application and method of treatment of the chemical termiticide shall be in accordance with the termiticide label and applied according to the rules adopted by the North Carolina Structural Pest Control Committee (02 NCAC 34).

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

Barry Gupton, PE
Chief Code Consultant

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 26

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

2603.8.1: Just so I'm clear – while 2603.8 refers to less than 8 inches, this rule refers to less than 6 inches. Is this correct?

Coordination.

Please include the citation for these Rules, 02 NCAC 34.

2603.8.1 Chemical treatment. When foam plastic is less than **8 inches** or in contact with the ground, the soil area shall be chemically treated in accordance with the North Carolina Structural Pest Control Committee rules **(02 NCAC 34).**

2603.8.2: I believe the word "way" should be "away"

2603.8.2 Inspection gap. Foam plastic in contact with ground shall not be continuous to the bottom of the weather-resistant siding. A clear unobstructed 2-inch minimum inspection gap shall be maintained from the bottom of weather-resistant siding to the top of foam plastic. The top edge of the foam plastic shall be cut at a 45-degree angle to drain moisture **away** from the structure.

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

Barry Gupton, PE
Chief Code Consultant

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 29

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Table 2902.1: In Institutional, I-4, correctly spell "visitors"

Corrected spelling as requested.

I don't see where Footnote h is used in the table. And what is a "can wash"?

Added to A-2 "restaurants" beside "service sink" to coordinate with the Plumbing Code.

In Footnote j, I believe "increase" should be "increases"

- j. When the rearrangement of an area or space increases the occupant content, the plumbing facilities shall be increased in accordance with this code.

In Footnote n, replace "which" with "that"

- n. Unheated storage building that are used periodically are not required to have toilet rooms.

2902.7: What is the "above table"? Is it the Plumbing Code table? If so, I'd state "Table 403.1"

[P] 2902.7 Adjustments in occupant content.

If an owner or tenant requests, the plumbing official shall make adjustments in the occupant content established by Table 403.1 of the North Carolina Plumbing Code for manufacturing, workshops, loft building, foundries, storage, aircraft hangars, garages and similar establishments. The owner or occupant shall provide written data accompanied by plans that substantiates a claim that the occupant content of a particular building or tenancy will, at all times, be less than provided for in Table 403.1. Approval of such data and accompanying claims shall not prevent the plumbing official from requiring additional facilities based on Table 403.1, should changes be made affecting the floor plan upon which the original approval was based whether such changes be made by the original or ultimate owner or building occupant or occupants. The remainder of the facilities requirements of Section 403.2 of the North Carolina Plumbing Code are not affected by this paragraph.

Amanda J. Reeder
Commission Counsel

Date submitted to agency: July 25, 2017

2902.9.1: You state the maximum class size and cite to N.C.G.S. 115C-301. However, that statute sets limits for only Kindergarten through 3rd grade, and allows the school districts to allocate the rest. What is your authority to set class size here? If the intent is to simply limit occupancy, state that.

The intent is to provide adequately designed plumbing facilities for the building, not to limit class size.

[P] 2902.9.1 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 instructional purposes. The maximum design class sizes are 29 students for grades K through 8 and 33 students for grades 9 through 12. The occupant load for private schools shall be as listed in Table 1004.1.2 of the North Carolina Building Code.

2902.9.3: Is the intent to ensure that in setting ratios that these ratios be considered? Otherwise, I don't see how you all have the authority to set the staffing ratio for teachers in public schools.

The intent is to provide appropriately designed distribution of female/male plumbing facilities for the building, not to set the actual staffing ratio.

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

**Barry Gupton, PE
Chief Code Consultant**

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 30

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Does 3001.1 need to be amended to state that these standards do not apply to the elevators exempted by G.S. 143-138(c1), or is that known to your regulated public?

The GS exemption is adequately covered under the ADA. It covers the use of LULA lifts, rather than passenger elevators.

3002.10: *I suggest inserting a comma after "requirement"*

3002.10 Pits

For damproofing and waterproofing requirement, refer to Section 1805.

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

**Barry Gupton, PE
Chief Code Consultant**

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 32

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

3205.5.2: *I am simply checking is the measurement supposed to be 7742 mm²? If so, make sure that is reflected when you publish the Code.*

Correct.

And will your regulated public know the strength required for the load specified from either this code or the manufacturer specifications?

Yes. It will be the same as for the walking surface.

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

**Barry Gupton, PE
Chief Code Consultant**

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 34

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

What are the Administrative Code and Policies you are referring to here?

The Administrative Code and Policies volume of the NC State Building Codes.

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

Barry Gupton, PE
Chief Code Consultant

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Chapter 36

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

What is the purpose of the commentaries in this Chapter? Are they the commentaries contemplated by G.S. 143-138(d)?

(d) Amendments of the Code. - The Council, through the Department of Insurance, shall publish in the North Carolina Register all appeal decisions made by the Council and all formal opinions at least semiannually. The Council, through the Department of Insurance, shall also publish at least semiannually in the North Carolina Register a statement providing the accurate Web site address and information on how to find additional commentary and interpretation of the Code.

If the purpose is the statute, why is it in this Chapter, rather than on the website?

Or is this the "written commentary" contemplated by G.S. 143-138.1(b), and posted on the website and in the Code?

The "commentary" will only be published on the website.

§ 143-138.1. Introduction and instruction of the North Carolina Building Code; posting of written commentaries and interpretations on Department of Insurance Web site.

(a) Prior to the effective date of Code changes pursuant to G.S. 143-138, the State Building Code Council and Department of Insurance shall provide for instructional classes for the various trades affected by the Code. The Department of Insurance shall develop the curriculum for each class but shall consult the affected licensing boards and trade organizations. The curriculum shall include explanations of the rationale and need for each Code amendment or revision. Classes may also be conducted by, on behalf of, or in cooperation with licensing boards, trade associations, and professional societies. The Department of Insurance may charge fees sufficient to recover the costs it incurs under this section. The Council shall ensure that courses are accessible to persons throughout the State.

(b) The Department of Insurance shall post and maintain on its Web site written commentaries and written interpretations made and given by staff to the North Carolina Building Code Council

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and the Department for each section of the North Carolina Building Code. (1997-26, s. 6; 2013-118, s. 3.5.)

When this is published, will the defined terms (from this Chapter and the IBC) be italicized?

Correct.

3601.1: *So that I'm clear – the Council considers docks, piers, bulkheads to be structures, as well as waterway structures, such that the Council can regulate them pursuant to G.S. 143-138(b3)?*

Correct.

3602: *In the definition of “filler” replace “and/or” with “or” (assuming you mean properties or performance or cost or a combination or all three)*

FILLER. Substance added to the matrix of a FRP material intended to alter its engineering properties, performance, or cost.

In the definition of “roving,” please insert a comma after “material”

ROVING. In an FRP material, a roving is a large number of continuous parallel filaments or a group of untwisted parallel strands.

3603.1: *Delete “but is not limited to” unless you need to retain it.*

Do you mean to refer to NC Department of Environmental Quality? If so, please use the correct name.

3603.1 General. In addition to a building permit, permits may be required from federal, state or county agencies such as the United States Army Corps of Engineers or the North Carolina Department of Environmental Quality. In cases of structures to be built on lakes operated by an electric utility for the generation of power, a permit from the operating utility may also be required.

3604.2: *I take it your regulated public knows what “dead loads” are?*

Yes.

3604.3: *I take it your regulated public knows what “live loads” are?*

Yes.

Replace “which” in “retained material which exert horizontal loads” with “that”

3604.3 Live loads. Design live loads shall be the greatest load that will likely be imposed on the structure, including superimposed loads on retained material that exert horizontal loads on the structure. Where vehicles are allowed, actual weight of vehicles and wheel loads as specified in

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the latest edition of Standard Specifications for Highway Bridges of the American Association of State Highway and Transportation Officials or obtained from the vehicle manufacturer shall be used. The design load shall be posted at the dock or pier approach where vehicles are allowed. Minimum live loads are:

Does your regulated public know where to get the Standard Specifications?

Yes.

3604.8.3: *Insert a comma after “break away”*

3604.8.3 Anchorage for Uplift. Sufficient anchorage against uplift between all components, except elements specifically designed to break away, shall be provided. Resisting forces shall be not less than 1.5 times the applied uplift force.

3604.11: *What is “ample” consideration? Does the regulated public know?*

Sufficient thought. Yes. The user is typically an engineer.

In 3605.1: *I take it that your regulated public knows what constitutes “good engineering practices”?*

Yes, but changed to defined term.

3605.1 General. The quality of materials and fasteners used for load-supporting purposes shall conform to **accepted engineering practice.**

Table 3605.1: *“Dimensions” column, why is the “5/4” there? Is this a formatting issue or is it a reference to the footnotes?*

It refers to 5/4 inch wood. The superscript has been corrected.

Table 3605.7.2: *What does “T_g” mean?*

T_g is the abbreviation for Glass Transition Temperature.

To what does Footnote 1 apply?

Note 1 superscript has been added under the “property” heading.

605.7.2.3.1: *Shouldn’t d. end with an “and” or “or”?*

3605.7.2.3.1 Factors Considered in Material Selection. The following factors shall be considered in selecting FRP materials for marine structures:

- a. Performance criteria for the structure;
- b. Intended service life of the structure;
- c. Expected environmental conditions, including likelihood of exposure to alkalis or organic solvents;

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- d. Protective measures; and
- e. Feasibility of maintenance and repair during service.

3605.7.2.3.2: Delete the comma after “ASTM D638”

3605.7.2.3.2 Adjustment of Material Properties to Account for Environmental Effects.

Unless the glass transition temperature determined in accordance with ASTM D4065 and the tensile strength of the composite in the longitudinal and transverse directions determined in accordance with ASTM D638 can be shown to retain at least 85% of their characteristic values after conditioning in the environments listed below, the nominal strength and stiffness shall be reduced for design purposes in accordance with test data produced from testing simulating the anticipated environment. Materials that cannot retain at least 15% of their characteristic values after conditioning the listed environments are prohibited in structural applications. Design tensile strength shall be reduced in accordance with material specific tests when in-service temperatures exceed of 90°F. Condition test samples as follows:

3606.2: I believe “foam-filled” should be hyphenated.

3606.2 Flotation units. Flotation units shall be foam-filled encapsulated floats or polystyrene billets securely wrapped with Class I woven geotextile fabric in accordance with AASHTO M288. The use of metal barrels not specifically designed for use as flotation devices and unwrapped polystyrene billets are prohibited.

3606.6 and the Exception: Replace “regulations” with I believe you mean “rules” unless you mean some federal regulations. If you do mean federal regulations, please specify which ones you are referring to.

3606.6 Guardrails. For walkways, access piers, steps or ramps, guardrails or other safety provisions shall be provided along the edges where the vertical drop to the lesser of the mean low water level , normal low water level (sounds), normal pool (lakes and rivers) or mud line exceeds 6 feet. Edges having a primary function other than walks or access ways, such as docking frontage and swimming access shall not require guardrails. Guardrails shall be designed in accordance with Chapter 16 for balconies. Guardrails shall be a minimum of 42 inches high and shall prevent the passage of a 21 inch sphere except where required otherwise by Chapter 11. Edge protection shall be provided as required by other rules.

Exception: For private waterfront piers and docks, guardrails or other safety provisions shall be provided along the edges where the vertical drop to the lesser of the mean low water level , normal low water level (sounds), normal pool (lakes and rivers) or mud line exceeds 8 feet. Guardrails shall be a minimum of 36 inches high and shall prevent the passage of a 21 inch sphere. Edge protection shall be provided as required by other rules.

In the Commentary for 3606.7, I suggest that you say “the Americans with Disabilities Act.”

3606.8.1.2: Do you mean “at” rather than “a” in the first sentence? “Occupant loads for docks constructed at public marinas...”?

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3606.8.1.2 Public Waterfront Docks. Occupant load for docks constructed at public marinas intended for mooring of private pleasure craft shall be calculated based on 30 square feet of net dock area per person.

3606.8.2: This is a very long sentence. I recommend breaking it into two sentences, ending the first one after "pier." Then "The pier shall be constructed of noncombustible materials..."

3606.8.2 Piers. Piers intended for recreational fishing, assembly, or educational purposes with travel distance to exit discharge exceeding 600 feet and greater than 15 feet above mean low water shall have emergency access ladders at 300 feet intervals and at the end of the pier. The pier shall be constructed of noncombustible material with the exception that the floor decking may be heavy timber.

In 3607.1.1: I take it your regulated public knows what is "effective against erosion"?

Yes.

I am not sure what the second sentence means – you state "either of the following or combinations thereof." "Either" implies there are two choices, but there appears to multiple choices. Should it read "any of the following"?

3607.1.1 General. Bulkheads shall be constructed in a manner to be effective against erosion and provide for bank stabilization. The bulkhead system may consist of any of the following or combinations thereof: braced sheet pile walls with tie backs, king piles and horizontal panels, gravity walls, cantilever and counterfort retaining walls. Bulkhead walls shall be constructed to prevent passage of fine material (See ASTM D 2487) through joints or cracks from the fill side to the stream side.

3607.1.3: In the last line, I think you mean "rules" rather than "regulations"

3607.1.3 Guardrails. Where designated public walkways, steps or ramps run adjacent to bulkheads within 6 feet, guardrails or other safety provisions shall be provided along the top of the wall where the vertical drop to the lesser of the mean low water level, normal low water level (sounds), normal pool (lakes and rivers) or mud line exceeds 6 feet. Guardrails shall be designed in accordance with Chapter 16 for balcony guardrails. Guardrails shall be 42 inches high and shall prevent the passage of a 21 inch sphere except where required otherwise by Chapter 11. Edge protection shall be provided as required by other rules.

Exception: For private waterfront bulkheads with designated walkways within 6 feet, guardrails or other safety provisions shall be provided along the edges where the vertical drop to the lesser of the mean low water level , normal low water level (sounds), normal pool (lakes and rivers) or mud line exceeds 8 feet. Guardrails shall be a minimum of 36 inches high and shall prevent the passage of a 21 inch sphere. A wall cap 30 inches or less in width shall not be considered a designated walkway unless it is connected to a walkway. Edge protection shall be provided as required by other rules.

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

Barry Gupton, PE
Chief Code Consultant

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Appendix C

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

You do not need to state "North Carolina General Statute" and "G.S." as that is repetitive. Please just one or the other. If you chose to us "G.S." state "N.C.G.S."

C101.1 Scope.

The provisions of this appendix shall apply exclusively to agricultural buildings not exempted by N.C.G.S. 143-138. Such buildings shall be classified as Group U and shall include the following uses:

And I take it you are adopting the rest of the Appendix as written?

Correct.

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

Barry Gupton, PE
Chief Code Consultant

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Building Code, Appendix G

DEADLINE FOR RECEIPT: Tuesday, August 8, 2017

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

G101.3: *Please insert a period after "code."*

There is a period at the end of the sentence.

G101.4: *What are the "North Carolina Administrative Code and Policies" you are referring to here?*

This is the NC Administrative Code and Policies volume of the NC State Building Codes.

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

**Barry Gupton, PE
Chief Code Consultant**

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017

Barry,

Thank you for your responses. I appreciate all of them and have further thoughts on only the two below:

In 427.1.3: I understand your answer, but I don't think you all have authority to set a staffing ratio here. Can this be worded in a way to address what you are getting to? Or do you want to rely upon G.S. 1430138(b), and argue they are "reasonably necessary for the protection of the occupants"? That may be a discussion for us to begin with and see where it goes.

The BCC was presented with a serious need for temporary homeless shelters a few years ago. The building and fire code officials worked with local nonprofit groups and churches to establish a safe environment in churches to get people out of the cold. The staff component was added because churches do not have safety features that you would find in other sleeping occupancies. The 2012 NC Building Code, Section 424 contains the same requirement. The GA also addressed temporary overflow shelters in SL2013-77 to additionally allow children with parents or guardians. I think that we can rely on 143-138(b) if necessary.

I certainly appreciate that the Council works with people to ensure that the shelters are safe. My concern was solely related to the requirement for two staff, one of whom was to remain awake overnight. I think there is an argument that this is beyond the statutory authority of the Building Code Council to regulate. However, I can see an argument under G.S. 143-138(b)

(b) Contents of the Code. - The North Carolina State Building Code, as adopted by the Building Code Council, may include reasonable and suitable classifications of buildings and structures, both as to use and occupancy; general building restrictions as to location, height, and floor areas; rules for the lighting and ventilation of buildings and structures; requirements concerning means of egress from buildings and structures; requirements concerning means of ingress in buildings and structures; rules governing construction and precautions to be taken during construction; rules as to permissible materials, loads, and stresses; rules governing chimneys, heating appliances, elevators, and other facilities connected with the buildings and structures; rules governing plumbing, heating, air conditioning for the purpose of comfort cooling by the lowering of temperature, and electrical systems; and such other reasonable rules pertaining to the construction of buildings and structures and the installation of particular facilities therein as may be found reasonably necessary for the protection of the occupants of the building or structure, its neighbors, and members of the public at large.

In addition, (b1) states, as it relates to fire safety:

(b1) Fire Protection; Smoke Detectors. - The Code may regulate activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion, or related hazards. Such fire prevention code provisions shall be considered the minimum standards necessary to preserve and protect public health and safety, subject to approval by the Council of more stringent provisions proposed by a municipality or county as provided in G.S. 143-138(e). These provisions may include regulations requiring the installation of either battery-operated or electrical smoke detectors in every dwelling unit used as rental property, regardless of the date of construction of the rental property. For dwelling units used as rental property constructed prior to 1975, smoke detectors shall have an Underwriters' Laboratories, Inc., listing or other equivalent national testing laboratory approval, and shall be installed in accordance with either the standard of the National Fire Protection Association or the minimum protection designated in the manufacturer's instructions, which the property owner shall retain or provide as proof of compliance.

And then, there is (c), which states in part:

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(c) Standards to Be Followed in Adopting the Code. - All regulations contained in the North Carolina State Building Code shall have a reasonable and substantial connection with the public health, safety, morals, or general welfare, and their provisions shall be construed reasonably to those ends.

So, as I understand it, it is the position of the Council is that the aggregate parts of the law give them authority to require this staffing for the safety of the users of the shelters, and that this is entirely intended to ensure public safety. If so, then I think there is an argument that there is authority for this limited staffing requirement for this portion of the Codes.

In 903.4.1., you state that Exception 3 was deleted, but there is a third one in the packet. What do you mean here? What petition that you submitted deleted it, because I apparently missed it?

The separate amendment 903.4.1 Monitoring (161213 Item B-12) will delete Exception 3 from the code.

I see. It's just that this was for the Fire Code, not the Building Code. I see the Note you put below that petition. I recommend that in the future, you file this for both Codes so that it won't be missed.

Amanda J. Reeder
Counsel to the Rules Review Commission
NC Office of Administrative Hearings
919/ 431-3079

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From: Gupton, Barry
Sent: Tuesday, August 08, 2017 12:17 PM
To: Reeder, Amanda J <amanda.reeder@oah.nc.gov>
Subject: RE: RRC Request for Technical Changes - Building additional

See additional 2018 NC Building Code responses below. Thanks. Barry.

From: Reeder, Amanda J
Sent: Monday, August 07, 2017 12:32 PM
To: Gupton, Barry <Barry.Gupton@ncdoi.gov>
Cc: Reeder, Amanda J <amanda.reeder@oah.nc.gov>
Subject: RE: RRC Request for Technical Changes

Barry:

Thank you for sending this and your swift work answering my questions! I really appreciate it!

There are a few things I need to follow up on.

In 427.1.3: I understand your answer, but I don't think you all have authority to set a staffing ratio here. Can this be worded in a way to address what you are getting to? Or do you want to rely upon G.S. 1430138(b), and argue they are "reasonably necessary for the protection of the occupants"? That may be a discussion for us to begin with and see where it goes.

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The BCC was presented with a serious need for temporary homeless shelters a few years ago. The building and fire code officials worked with local nonprofit groups and churches to establish a safe environment in churches to get people out of the cold. The staff component was added because churches do not have safety features that you would find in other sleeping occupancies. The 2012 NC Building Code, Section 424 contains the same requirement. The GA also addressed temporary overflow shelters in SL2013-77 to additionally allow children with parents or guardians. I think that we can rely on 143-138(b) if necessary.

In 722.6.1, I don't see an answer to my question about the equation.

The 4th equation is 7-21 instead of 7-22 and has been corrected.

In 903.4.1., you state that Exception 3 was deleted, but there is a third one in the packet. What do you mean here? What petition that you submitted deleted it, because I apparently missed it?

The separate amendment 903.4.1 Monitoring (161213 Item B-12) will delete Exception 3 from the code.

You didn't respond to Chapter 10.

Oops.

Table 1004.1.2: In Footnote b, I cannot locate Section 303.1 exception 2 in the IBC or the packet. What is the correct cross-reference?

b. An assembly occupancy conference room that is accessory to a Group B office occupancy and meeting the requirements of Section 303.1.2(2), shall be calculated at 100 square feet per occupant for determining the overall occupant load of the associated floor. The assembly occupancy shall be calculated at 15 square feet per occupant for the purpose of determining egress from the room containing the assembly occupancy.

1004.3: What does this reference to the NC Administrative Codes and Policies mean?

The North Carolina Administrative Code and Policies is a volume of the NC State Building Codes.

1010.1.9.3: In 2.3, I cannot locate Section 1008.1.9.3 in the IBC or the packet. What is the correct cross-reference?

2.3. The use of the thumb bolt or key-operated locking device is revokable by the building official for due cause violation of Section 1010.1.9.3.

1010.1.9.11: In 6, why not state "Except for high-rises, for stairways serving floors above a 3-hour horizontal building separation, doors are permitted..."

6. In other than high-rise, for stairways serving floors above a 3-hour horizontal building separation, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon activation of the building fire alarm system.

1011.15.2: Please use a colon, rather than semicolon, after "a" and then use semicolons at the end of 1 and 2.

1011.15.2 Treads of ships ladders.

Ships ladders shall have a minimum tread depth of 5 inches (127 mm). The tread shall be projected

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such that the total of the tread depth plus the nosing projection is not less than $8\frac{1}{2}$ inches (216 mm).
The maximum riser height shall be $9\frac{1}{2}$ inches (241 mm).

1. Pitch of 60 to 75 degrees;
2. Minimum tread depth of 5 inches; and
3. Riser height of 9-1/2 inches to 12 inches.

1013.3: Is the term supposed to be "open air camp cabins"?

1013.3 Illumination.

Exit signs shall be internally or externally illuminated.

Exception Exceptions:

1. Tactile signs required by Section 1013.4 need not be provided with illumination.
2. Lighted exit signs are not required for Group R open air camp cabins.

1020.1: In the "Occupancy" column, for R, should the footnotes "h" and "e" be separated by a comma?

Yes. The comma has been added.

1020.6: In 3.3., is the term "point-of-use" hyphenated?

- 3.3. No gas or electric appliances other than electric point-of-use water heaters and hand dryers are located in the toilet room; and

1030.1: In Exception 4, should it read "In Group E occupancies where the room"?

Delete the "and" at the end of 4.1 through 4.3 and replace the commas at the end of 4.1 – 4.4 with semicolons.

I made these same changes in the Fire Code.

4. A Group E room or space that complies with the following shall not be required to have emergency escape and rescue openings:

4.1 Doors open directly to a corridor with exit access in one direction and provide access through adjacent classrooms or directly to a separate smoke compartment with exit access in the other direction;

4.2 The compartments are separated by smoke barriers having a 1-hour fire resistance rating with self-closing or automatic closing doors;

4.3 The length of travel to exits along such paths shall not exceed 150 ft. (45 m);

4.4 Each communicating door shall be identified; and

4.5 No locking device shall be allowed on the communicating doors.

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5. Group E occupancies located in buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 shall not be required to have emergency escape and rescue openings.

In 1111.1, please state the correct citation, "20-37.6" There is not a hyphen between 37 and 6, and having it hyphenated cites to an incorrect statute.

The hyphen has been changed to a decimal point in 2-places.

In 2603.8.1, what do you mean by "coordination"?

2603.8.1 was changed to 8-inches to coordinate with 2603.8.

Thank you!

Amanda

*Amanda J. Reeder
Counsel to the Rules Review Commission
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919/431-3079*

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Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 25, 2017