

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention 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:

So that I'm clear – what will be the official year for this Code? 2019, 2018, 2015, or 2011? I ask because while the packet of NC amendments (hereinafter “packet”) refers to the “2019 Acknowledgments,” it also states in 101.1 that the Code was adopted by the Council on September 14, 2010 to be effective September 2011.

These were the dates for the 2012 Code adoption. This adoption is the 2018 edition, effective 1/1/2019.

[A] 101.1 Title.

~~These regulations shall be known as the Fire Code of [NAME OF JURISDICTION], hereinafter referred to as “this code.”~~

These regulations shall be known as the North Carolina Fire Code as adopted by the NC Carolina Building Code Council on June 13, 2017 to be effective January 1, 2019. References to the International Code shall mean the North Carolina Codes. The North Carolina amendments to the International Code are underlined.

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

Yes. Lowercase unless there is some specific reason otherwise.

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 Fire Prevention Code, 101.2.1

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:

Is the intent of this to apply G.S. 143-138(e)?

Yes.

Assuming it is, what does the Exception mean? Is it that Appendix H may be enforced by all local jurisdictions without approval by the Council? If so, should it be stated like that? After all, aren't many other Appendices adopted as well?

Appendix H (only) includes the statement:

The provisions contained in this appendix are adopted as part of this code.

The BCC intent is that Appendix H is specifically adopted as part of the code and does not require further action by either the local jurisdiction or the BCC to be enforced.

Appendix B (and others) includes the statement:

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

The BCC takes the position that Appendix B (for example) is not specifically adopted as part of the code and GS 143-138(e) applies. This requires that the local jurisdiction must (1) adopt a fire ordinance including Appendix B and (2) obtain BCC approval before (3) it is enforceable.

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 Fire Prevention Code, 102.13 and Chapter 2

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:

102.13: In Item (2), you are underlining and striking the same language. I believe this is to show that while the language was proposed to be adopted in the Code, it is being taken out by this amendment, correct? So the intent is to not adopt this?

Correct. The 4-separate petitions (Farm Building, Tents, Tire Storage, Monitoring) 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.

2. Farm buildings not used for:

a. Sleeping purposes; or

b. Storage of hazardous materials in excess of those listed in Tables 5003.1(1) and 5003.1(2) within the building rules jurisdiction of any municipality.

In (2)b., do you mean Tables 5003.1.1(1) and 5003.1.1(2), on Pages 318 through 322 of the 2015 Code book?

Yes.

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

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

In (5), are you going to keep "North Carolina"? You don't delete it here, but you do in the packet on page 3. I suggest you delete it.

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In (5), G.S. 95-173 says the title is “Hazardous Chemicals Right to Know Act.” So, if you are trying to say that the “The storage and handling of substances governed by the Hazardous Chemicals Right to Know Act” state that.

Also in (5), state “N.C.G.S.” to be consistent with (6).

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 Fire Prevention Code. Is the interpretation that the exemption in G.S. 143-138(b4) only excludes these buildings from the Building Code, not the other codes? If not, then I do not see how the Council can 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. Delete “but is not limited to” as requested.

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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

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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention Code, 103.2, 103.3, 103.4, 103.4.1, 104.3, 104.3.1, 104.4, 104.5, 104.6, 104.8, 104.9, 104.10, 105.1.2, 105.2.3, 105.3.8, 105.4, 105.4.6, 105.7, Section 108, Section 111, 115.1

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

What are the provisions, policies, and statutes you are referring to within each of these Rules? You need to specify this or the rules are unclear as written.

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 will be italicized.

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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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention Code, 105.3.6

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:

What does "deviate substantially" mean?

GS 153A-359 (County, City similar) addresses "no change or deviation" to the original permit documents. "Deviate substantially" acknowledges that incidental changes can be expected and should not require a new submittal.

When this is published, will the terms "registered design professional" and "fire code official" be italicized, since they are defined in the Code?

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

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 Fire Prevention Code, 105.5

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:

So that I'm clear – if the permit is operational, the permit may be revoked? What will happen regarding construction permits?

Construction permits are covered beginning in GS 153A-357 (City, County similar). The NC Administrative Code and Policies volume provides additional guidance.

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

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Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention Code, 105.6.28, 105.7.12

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:

So that I'm clear, it is the belief of the Council that LP-gas is under the authority of the Department of Agriculture? What is the statutory determination for this? Is it cited later in this code?

Section 102.13 #3 indicates the exception to applicability and Section 6101.1 provides a GS reference to NC DOAg.

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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention Code, 105.6.45, 105.8.18, Chapter 31

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

So that I am clear – these amendments will supersede what was proposed for the overall readoption of the 2019 NC Fire Prevention Code, also submitted this month?

Correct.

105.6.45: *I take it that in Exception 1, “exclusively” is known to your regulated public?*

Yes, for no other purpose.

105.7.18: *This language does not exactly track what is in the 2015 Code. I suggest removing the “or” before “a temporary” on the second line.*

This “or” is needed for clarity.

On the third line, I recommend adding a comma after “(37 m2)” and underling the change to 74

The Oxford comma is beneficial here.

And in this Rule, I take it that in publication you will change the “m2” to “m²”?

105.7.18 Temporary membrane structures and tents. A construction permit is required to erect an air-supported temporary membrane structure, or a temporary stage canopy having an area in excess of 400 square feet (37 m²), or a tent having an area in excess of ~~400~~ 800 square feet (~~37~~ 74 m²).

3013.2.1 and 3103.2.2: *What is the intent here? To redefine “tent” and “membrane structures,” what are defined in Chapter 2? If so, don’t you need to make it clear that these changes are for the purposes of Chapter 31?*

This is not redefining the terms, but rather setting the thresholds where the code applies.

In Exception 2, I recommend inserting a comma after “drops”

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The Oxford comma is not necessary here.

3103.5: *Is “temporary” tent a known term to your regulated public?*

Yes. This Section specifies the time limit to be considered temporary.

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

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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention Code, 105.7.3, 105.7.10, 105.7.11

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

Since you are deleting the second exception, should this be "Exception"?

"Exception" singular for all 3 sections.

[A] 105.7.3 Compressed gases.

Where the compressed gases in use or storage exceed the amounts listed in Table 105.6.9, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a *compressed gas* system.

Exception:

1.—Routine maintenance.

~~2.—For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.~~

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 Fire Prevention Code, Section 106

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

Is this language intended to be a preamble to the Section?

It is more like a "scope" or "general" provision, since it is mandatory.

In the first paragraph, please delete the hyphen and insert a period after "S" in "N.C.G.S." before "160A-424"

Corrected.

Line 5 of the first paragraph, I suggest inserting commas after "structures" and "explosion"

ICC does not use the Oxford comma unless necessary.

Line 6, replace "Such" with "This"

Corrected.

Line 7, does your regulated public know how to contact the Office?

Yes. Both the NC Code Officials Qualification Board and the NC Building Code Council are agencies staffed by the NC DOI/OSFM.

In the second paragraph, second line, delete the "and" before "Residential"

Corrected.

Line 2, I recommend inserting a comma after "dwellings" and stating "only the interior"

Inserted.

Line 7, I recommend inserting a comma after "inns"

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Inserted.

Line 8, insert a period after "S" in "N.C.G.S."

Inserted.

In the fifth paragraph, in the first line, what "N.C.G.S" are you referring to? Do you mean "any applicable North Carolina laws?"

Revised.

On the second line, consider stating "supersede the schedule in this section."?

Stated.

In the sixth paragraph, start the first sentence "For unattended..."

Revised.

Line 2, what is "conspicuous"?

Obvious to the eye, attracting attention.

Line 3, is this actually called an "order of notice"? On line 1, you just called it a letter. If this is the term, please be consistent with your terminology.

Revised.

Line 5, I recommend inserting a comma after "occupant" both places.

ICC does not use the Oxford comma unless necessary.

And is the determination of who to send this to (the owner or occupant or both) entirely within the discretion of the fire code official?

It would be sent to the name/address they have on file (inspection file, tax office, etc).

Line 6, delete "said"

Deleted.

SECTION 106
INSPECTIONS

In order to preserve and protect public health and safety and to satisfy the requirements of N.C.G.S. 153A-364 and **N.C.G.S.** 160A-424, political subdivisions assuming inspection duties, as set out in N.C.G.S. 153A-351 and N.C.G.S. 160A-411, shall have a periodic inspection schedule for the purpose of identifying activities and conditions in buildings, structures and premises that pose dangers of fire, explosion or related

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hazards. This inspection schedule shall be *approved* by the local governing body and shall be submitted to the Office of State Fire Marshal of the Department of Insurance. In no case shall inspections be conducted less frequently than described in the schedule below:

Once every year

Hazardous, institutional, high-rise assembly except those noted below, Residential except one- and two family dwellings, and only the interior common areas of dwelling units of multi-family occupancies.

New and existing lodging establishments, including hotels, motels, and tourist homes that provide accommodations for seven or more continuous days (extended-stay establishments), bed and breakfast inns, and bed and breakfast homes as defined in N.C.G.S. 130A-247 for the installation and maintenance of carbon monoxide alarms and detectors in accordance with N.C.G.S. 143-138(b2).

Once every two years

Industrial and educational (except public schools).

Once every three years

Assembly occupancies with an occupant load less than 100, business, mercantile, storage, churches, synagogues, and miscellaneous Group U occupancies.

Frequency rates for inspections of occupancies as mandated by the N.C.G.S. shall supersede the schedule in this section. Nothing in this section is intended to prevent a jurisdiction from conducting more frequent inspections than the schedule listed above or the schedule filed with the Office of State Fire Marshal of the Department of Insurance.

For unattended or vacant structures, the fire code official shall affix an order of notice on the premises in a conspicuous place at or near the entrance to such premises requesting an inspection in accordance with this section. This order of notice shall be mailed by registered or certified mail with return receipt requested, to the last known address of the owner, occupant or both. If the owner, occupant or both shall fail to respond to the order of notice within 10 calendar days, these actions by the fire code official shall be deemed to constitute an inspection in accordance with this section.

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 Fire Prevention Code, Section 109

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:

Is this language intended to be a preamble to the Section?

It is more like a "scope" or "general" provision, since it is mandatory.

On the first line, replace "has" with "have" (or change "violations" to "violation")

On the second line, why is "Fire Official" capitalized? And will the term be italicized when published?

On line 5, please state "N.C.G.S."

And the second citation, G.S. 153A-143, is regulation of outdoor advertising. Is this the statute you intended?

SECTION 109 VIOLATIONS

For violations of the *North Carolina Fire Prevention Code* or a local Fire Prevention Code that **have** received prior approval of the Building Code Council, either the local **fire code official** or the State Commissioner of Insurance or other State Official with responsibility under *N.C.G.S. 143-139* may, in addition to other remedies, institute any appropriate action or proceedings, including civil remedies set out in **N.C.G.S. 160A-175** or **N.C.G.S. 153A-123**, that have been adopted as ordinances within that jurisdiction.

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

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Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention Code, Section 114

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:

Define "knowingly"

Synonyms: consciously, deliberately, designedly, intentionally, purposefully.

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

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Commission Counsel
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REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention Code, 115.2

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

What is the purpose of this list?

To provide a record of local fire ordinances approved by the BCC under GS 143-138(e).

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

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Commission Counsel
Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention Code, Section 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:

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).

It does not appear that "Electrical Circuit Protective System" is defined at all in the IFC. Shouldn't all of this be underlined and highlighted, as it appears to be North Carolina specific?

ELECTRICAL CIRCUIT PROTECTIVE SYSTEM. A specific construction of devices, materials, or coatings installed as a fire-resistive barrier system applied to electrical system components.

For "Exit Access Stairway," this definition is the one in the IFC, but some of the terms aren't italicized here. Will they be when published?

Yes.

For "Fire Hazard," replace "which" with "that" both places. And what is "customarily recognized by normal by persons in the public service regularly engaged..."?

The fire code official performs inspections on a regular basis. This would be something out of the ordinary or out of place that would increase the expected fire hazard.

FIRE HAZARD. Any thing or act that increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire, or that may obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

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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”

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?

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.

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
3. Allows alcoholic beverages consumption.

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

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Commission Counsel
Date submitted to agency: July 25, 2017

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. 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..."

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 27609.

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 Fire Prevention Code, Section 203

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:

So that I am clear – you will not be defining occupancy classifications in Section 202, but rather setting them forth in this new section?

Yes.

203.2: Will this not exist?

Renumber 203.1 to 203.2. Add 203.1 Scope for coordination with the Building Code.

203.1 Scope.

The provisions of the North Carolina Building Code, Chapter 3 shall control the classification of all buildings and structures as to use and occupancy.

203.1: Who is making this classification? The code officials?

The building code official makes the classification at the time of construction or change of occupancy. The fire code official uses the information when making periodic inspections.

I do not understand the cross reference to Section 508, which is the Fire Command Center. Is this the correct cross reference?

203.2 General.

Structures or portions of structures shall be classified with respect to occupancy in one or more of the groups listed in this section. A room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the purposes for which the room or space will be occupied. Structures with multiple occupancies or uses shall comply with the North Carolina State Building Code, Section 508. Where a structure is proposed for a purpose that is not specifically provided for in this code, such structure shall be classified in the group that the occupancy most nearly resembles, according to the fire safety and relative hazard involved.

203.3.3: Replace “and/or” with “or”

This has been standard ICC language since the 2000 IBC. Retain for consistency.

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203.3.2: Here and elsewhere it is used in this Section, delete “but not limited to:” unless you need it for clarity for your regulated public. However, I note the term has been deleted elsewhere.

This has been standard ICC language since the 2000 IBC. Retain for consistency.

203.3.4: Page 46 of the packet, does your regulated public know what an “amusement arcade” is?

Yes, an amusement center having coin/token-operated games. These are all specific examples of the type of use for the classification.

Page 47 of the packet, should the terms “indoor swimming pools” and “indoor tennis courts” be listed separately? If not, put an “and” between the terms, and state “Indoor swimming pools and indoor tennis courts that do not have spectator seating”

Editorial, they are separate line items.

203.4: Page 49, why isn’t this term for “educational occupancies” in alphabetical order like the others? Does this belong in Business Group B? Or is it for Educational Group E?

Moved to alphabetical order. This is a special educational use that is allowed in a business occupancy.

203.5.3 and 203.8.5.5: Why is the statute not abbreviated to “N.C.G.S.” like elsewhere?

Abbreviated both as requested.

203.5.3 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.

203.8.5.5 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.

203.6: For consistency, should this be “repairing”?

This has been standard ICC language since the 2000 IBC. Retain for consistency.

203.6.2: What is a “significant fire hazard”?

The product is noncombustible in this occupancy and the building is usually not sprinklered. A limited amount of combustible packaging is allowed without concern for fire spread. Additional combustibles would be considered significant.

203.7: On the sixth line, delete the comma after “this code” and insert an “and” before “the requirements of Sections 414...”

Line 7, delete the commas after “stored” and “canopies” unless you are missing a word there; if so, insert that language.

On line 8, what part of the IFC?

It depends on the hazard. There are many sections that address specific hazardous uses.

[F] 203.7 High-hazard Group H.

High-hazard Group H occupancy includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed in *control areas* complying with Section 5003.8.3, based on the maximum allowable quantity limits for *control areas* set forth in Tables 5003.1.1(1) and 5003.1.1(2). Hazardous occupancies are classified in Groups H-1, H-2, H-3, H-4 and H-5 and shall be in accordance with this **code and** the requirements of Sections 414 and 415 of the *International Building Code*. Hazardous materials **stored or** used on top of roofs or **canopies shall** be classified as outdoor storage or use and shall comply with the *International Fire Code*.

203.7.1: In (3), I think it should begin “A closed piping...”

This has been standard ICC language since the 2000 IBC. Retain for consistency.

In (11), what are “commonly used corrosive building materials”?

It depends on the materials used. Some materials are ok used separately, but corrosive when used together. Aluminum and masonry for example.

203.7.3: What are the Divisions on pages 53-54 of the packet? Does your regulated public know?

Yes. These are defined in 202 Explosives.

203.7.4: Page 55 of the packet, what is “normally” open? Does your regulated public know?

Yes. Not closed for periods long enough to build up excessive pressure.

203.7.5: Define “readily” and “normally” unless known to the regulated public.

This has been standard ICC language since the 2000 IBC. Understood terms.

203.7.6: What is the difference between “highly toxic materials” and “toxic materials”? Are these differentiated by your regulated public?

These are defined in 202.

203.7.7: Replace “in which” with “where” here and elsewhere where applicable.

This has been standard ICC language since the 2000 IBC. Retain for consistency.

203.8.1: What do you mean by “are or are not capable”? Is this to differentiate between 203.8.2.1 and 8.2.2 from 203.8.3?

A resident or occupant of an Institutional use whether capable or not. The subsections have specific requirements based on the ability to evacuate.

203.8.3.1: I don’t believe the cross references to Sections 308.4.1.1 and 4.1.2 exist. Are these correct?

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203.8.3.1 Occupancy conditions.

Buildings of Group I-2 shall be classified as one of the occupancy conditions specified in Section 203.8.3.1.1 or 203.8.3.1.2.

203.8.4: Page 58, replace “byspersons” with “by persons” and is “generally” a term known to the public?

Yes. Inmates and prisoners are generally restrained from evacuation by lock/key.

203.8.4 Institutional Group I-3.

Institutional Group I-3 occupancy shall include buildings and structures that are inhabited by more than five persons who are under restraint or security. A Group I-3 facility is occupied by persons who are generally incapable of self-preservation due to security measures not under the occupants' control. This group shall include, but not be limited to, the following:

Is “prerelease” not hyphenated?

No. This is standard ICC language.

I do not believe that the cross-references to 308.5.1 through 5.5 exist. Are these correct?

Buildings of Group I-3 shall be classified as one of the occupancy conditions specified in Sections 203.8.1 through 203.8.5 (see the North Carolina Building Code, Section 408.1).

Why are the conditions on Page 58 203.8.1 – 8.5? Should these be with 8.1 on Page 56 of the packet?

No. I-3 Conditions 8.1 through 8.5 are levels of confinement, from free movement to fully restrained.

Condition 3: *Please hyphenate “remote-controlled” like you did in Condition 4.*

Editorial correction.

203.9: *Should “Drug stores” and “markets” be separated?*

Editorial separate line items.

203.9.1: *I cannot locate Table 414.2.5(1) in the IFC or this packet. Is this the correct cross-reference?*

203.9.1 Quantity of hazardous materials.

The aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials stored or displayed in a single control area of a Group M occupancy shall not exceed the quantities in Table 5003.11.1.

203.10.1: *When you publish, make sure “transient” is italicized for “open air camp cabin”*

Editorial correction.

203.10.2: *What is a “live/work unit”? It is italicized, but I don’t see it defined in the IFC or the packet.*

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This term is defined in the Building Code, but should not to be italicized here.

203.10.3: So that I'm clear, while the definition refers to "primarily permanent" but you include in the group boarding houses (transient) and "congregate living facilities (transient)?"

Correct. These transient occupants are allowed in R-3 because the owner/caretaker is permanent and the risk is low.

For Child Day Care facilities, should the sentence "no more than five attending a preschool..."

No. This is the wording provided by the licensing agency.

For Licensed Small Residential Care, I cannot find Section 428.3. Is this correct?

Licensed Small Residential Care Facilities complying with the **North Carolina Building Code**, Section 428.3

203.10.4: Page 62 of the packet, I cannot locate Section 310.6.1 or 6.2. Are these cross-references correct?

203.10.4 Residential Group R-4.

Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive *custodial care*. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section **203.10.4.1 or 203.10.4.2**. This group shall include, but not be limited to, the following:

For large residential care facilities, I cannot locate Section 428.5.

Large Residential Care Facilities complying with **the North Carolina Building Code**, Section 428.5

203.11.1: I cannot locate Section 508.2.

203.11.1 Accessory storage spaces.

A room or space used for storage purposes that is less than 100 square feet (9.3 m²) in area and accessory to another occupancy shall be classified as part of that occupancy. The aggregate area of such rooms or spaces shall not exceed the allowable area limits of **the North Carolina Building Code**, Section 508.2.

203.11.2: Where is Table 307.1? I cannot locate it or Section 406.8.

Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in **Table 5003.1.1** (see **the North Carolina Building Code**, Section 406.8)

203.12: I cannot locate Section 412.5.

Aircraft hangars, accessory to a one- or two-family residence (see **the North Carolina Building Code**, Section 412.5)

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Date submitted to agency: July 25, 2017

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

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention Code, Chapter 3

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:

308.1.4: *Please confirm that the cross-reference to Chapter 61 is correct.*

Correct.

310.9: *In 4, Page 67 of the packet, should the second cross-reference be to something more specific than 305, as that does not exist? Or if you mean just "Section 305" then why do you have 305.1 specified?*

4. Disposal, use, or handling of ashes and coals shall comply with Sections 305.1 and **305.2.**

311.1.1: *I know you are repeating the IFC, but does your regulated public know the difference between "persistently" and "repeatedly"?*

Yes. 201.4 also tells the user that Merrian Webster is acceptable for undefined terms.

319.1.1, Exception: *I think that you are missing language after "meets" Is it "all of the following:"?*

319.1.1 Occupant load and age.

~~The total number of homeless Occupants is limited to 20 individuals who are ambulatory.
The homeless Occupants must be 18 years of age or older.~~

The maximum number of homeless occupants is 20 individuals who are ambulatory. The homeless occupants must be 18 years of age or older.

Exception: Occupants may be less than 18 years of age if the temporary shelter meets all of the following:

1. Is intended to serve homeless families with children and their parents or other legal guardian;
2. Consists of a group of churches or other nonprofit religious entities that have agreed to host the shelter occupants on the premises of each church or religious entity on a rotating basis; and
3. Equipped with smoke detectors meeting applicable code provisions for such devices in all sleeping areas.

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319.1.3: 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.

319.1.4: State "The building owner"

319.1.4 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.

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

**Barry Guppton, 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 Fire Prevention Code, Chapter 4

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:

If this is the packet you submit to your publishers, please note that on Page 69, it should say "Chapter 4 Changes"

403.11.5: *I take it "approved" will be italicized when this is published, since it is a defined term?*

403.11.5 Other occupancy groups having a fire alarm system.

An **approved** fire safety and evacuation plan shall be prepared and maintained.

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

Barry Gupton, PE
Chief Code Consultant

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention Code, Chapter 6

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:

607.1: It appears you are adding all of the language after "ASME 17.1" so please be sure to underline what you intend to add.

607.1 Emergency operation.

~~Existing elevators with a travel distance of 25 feet (7620 mm) or more shall comply with the requirements in Chapter 11.~~ New elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with **ASME A17.1/CSA B44.**

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

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Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention Code, Chapter 8

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:

808.4 *The sentence is not complete. Please state what you mean.*

808.4 Combustible lockers or cubbies.

Where lockers or cubbies constructed of combustible materials are used, ~~the lockers~~ **they** shall be considered interior finish and shall comply with Section 803.

Exception: Lockers or cubbies constructed entirely of wood and noncombustible materials shall be permitted to be used wherever interior finish materials are required to meet a Class C classification in accordance with Section 803.1.1.

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

Barry Gupton, PE
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Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention Code, Chapter 9

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:

903.2.8: *In Exception 3, please fix the punctuation at the end of 3.1 and 3.2.*

903.2.8 Group R.

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

Exceptions:

1. An *automatic sprinkler system* is not required in new adult and child day care facilities located in existing Group R-3 and R-4 occupancies.
2. An *automatic sprinkler system* is not required in *temporary overflow shelters*.
3. An *automatic sprinkler system* is not required in camping units located within a campground where all of the following conditions exist.
 - 3.1. The camping unit is limited to one story in **height**.
 - 3.2. The camping unit is less than 400 square feet (37 m²) in area.
 - 3.3. The camping unit does not have a **kitchen**.
4. An *automatic sprinkler system* is not required in an **open air camp cabin** that complies with the following:
 - 4.1. The **open air camp cabin** shall have at least two remote unimpeded exits. Lighted exit signs shall not be required.
 - 4.2. The **open air camp cabin** shall not be required to have plumbing or electrical systems, but if the cabin has these systems, then the provisions of the **code** otherwise applicable to those systems shall apply.
 - 4.3. Smoke detectors and portable fire extinguishers shall be installed as required by other sections of this **code**.

903.2.8.5 and 903.2.8.6: *In 1 (for 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..."*

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

[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: What do you mean by "research statute"? Should this be removed?

Deleted staff review note.

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.

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.

907.2.3: In Exception 1, I suggest stating "Except for licensed day care centers...Code, a ..."

Revised to same as the Building Code.

Also, you appear to have an errant "a" at the end. Is this a footnote?

907.2.3 Group E.

A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies. When *automatic sprinkler systems* or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

Exceptions:

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.

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Date submitted to agency: July 25, 2017

911.5: *The citation should be to “02 NCAC 38, Section .0700.” If you need to keep the full title, fine, but please make sure you make it “Section .0700”*

911.5 Liquefied petroleum gas distribution facilities. Liquefied petroleum gas distribution facilities shall comply with Chapter 119, Article 5 of the General Statutes of North Carolina, and the **02 NCAC 38, Section .0700**, as enforced by the North Carolina Department of Agriculture and Consumer Services through the provisions of NFPA 58.

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

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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 Fire Prevention Code, 903.4.1

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:

So that I am clear – the intent of this amendment is to not make the change to 903.4.1 on page 82 of the packet? You are not going to adopt that change? If so, why did you include it in the packet?

Correct. The separate rule will delete the packet 903.4.1 Exception 3.

I know that the language here repeats the 2015 International Fire Code (IFC). Does your regulated public know what “distinctly” “automatically” and “constantly” means?

Yes.

If the intent is to mirror the IFC, then I believe it should read in 903.4.1, line 2, “station or, where approved by the fire code official.”

They appear to be the same.

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

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Date submitted to agency: July 25, 2017

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Building Code Council

RULE CITATION: NC Fire Prevention 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: Page 91 of the packet, the highlighted and underlined language is in the IFC.

Agreed.

Page 92, why is "recreational courts" repeated twice?

The first line is the heading. The second and third lines are specific areas.

1004.3: What is the "NC Administrative Code and Policies"?

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

Table 1006.3.2(2): In footnote e, Page 95 of the packet, state "where the occupants receive care that shall be ..."

The sentence seems to be complete.

1009.4: On the third line "/CSA B44" is not in the IFC. Are you adding it?

Yes. It has been underlined.

Also on line 4, and also in Exception 3, the highlighted language is in the IFC. Why is it highlighted? (Note the same question for 1009.7.2)

Deleted highlight.

1010.1.9.3: In (2), I think you need to retain the comma after "S"

Agreed.

In 2.3, what do you mean by "this Section 1008.1.9.3"? If you mean "this Section and" state that. However, in the IFC, I cannot locate 1008.1.9.3.

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Date submitted to agency: July 25, 2017

[BE] 1010.1.9.3 Locks and latches.

Locks and latches shall be permitted to prevent operation of doors where any of the following exist:

1. Places of detention or restraint.
2. In buildings in occupancy Group A having an *occupant load* of ~~300~~ 100 or less, ~~and Groups B, F, M and S, and in places of religious worship,~~ the main door or doors are permitted to be equipped with a thumb bolt or key-operated locking devices from the egress side provided:
 - 2.1. The locking device is readily distinguishable as locked and provided with a thumb bolt or key that cannot be removed when locked from the egress side;
 - 2.2. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED. The sign shall be in letters 1 inch (25 mm) high on a contrasting background.
 - 2.3. The use of the thumb bolt or key-operated locking device is revokable by the fire 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.

1010.1.10: *In 3, I cannot find the cross-references to Section 407.11 and 407.12 in the IFC. What are these?*

3. Doors serving Group A or E occupancy in an I-2 facility shall be permitted to be locked in accordance with Section 1010.1.9.6.2.1 or 1010.1.9.6.2.2 where the clinical or security needs of the patients require specialized locking measures for their safety or the safety of others.

1015.2: *If you are deleting the “and” on the second line, insert a comma after “ramps”*

Added comma as requested and as shown in the Building Code.

1029.13.1.3: *If you are deleting the second section, state “Section 1012.10.”*

Delete the “s” and there is period at the end of the sentence.

1030.1: *In Exception 4, delete the “and” at the end of 4.1 through 4.3.*

For Exceptions 4 and 5, you don’t state what is not required if the exception is met. In Exceptions 1 through 3, you state that if the requirements are met, the areas do not have to have emergency

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Date submitted to agency: July 25, 2017

escape and rescue openings, but you don't state for Exceptions 4 and 5. What are those exceptions exempt from?

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.

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.

1031.9: If you are deleting the second section, state "Section 1023.9"

Delete the "s" as requested.

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

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 Fire Prevention Code, Chapter 20

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:

2003.8: *I think you are missing words after "2003.8.2 of the" Is it "of this section"?*

Should "approved" be italicized?

2003.8.1: *I recommend inserting a comma after "Code" and when you publish, make sure the "t" in "the" isn't italicized.*

2003.8.3: *I believe that the cross references have too many periods in them.*

2003.8 Posted Information.

Information required to be posted by Sections 2003.8.1 and 2003.8.2 shall be posted on an **approved** sign.

2003.8.1 Allowable wing height.

Where unit heaters are provided in accordance with exception 1 of Section 412.4.4 of the International Building Code, the maximum wing height shall be posted.

2003.8.2 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 hangar.

2003.8.3 Location.

Information required to be posted by Sections **2003.8.1 and 2003.8.2** shall be located on the interior side and adjacent to the door provided for the aircraft entrance.

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

Barry Guppton, 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 Fire Prevention 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:

2306.2.3: Exception 6, I believe the period after "stations" should be deleted, and the sentence begin "Fleet service stations listed UL 142..."

6. Listed UL 142 above ground storage tanks with spill control, 1,100 gallons (4164L) or less in capacity, shall be permitted to be used to store Class I liquids at fleet service stations.

2306.2.3.1: In the Exception to 1, I cannot find the cross-reference to 3404.2.8 in the IFC. Do you mean to cite to another Code?

1. The maximum individual and aggregate tank capacity shall be 660 gallons (2498L).

Exception: Individual and aggregate tank capacities up to a maximum of 1000 gallons (3785L) where tanks are installed in vaults that comply with 5704.2.8.

In 3 and 6, is this cross-reference to Chapter 34 of the IFC? That Chapter governs tire storage.

3. Normal tank venting shall be provided in accordance with Chapter 57.

6. Electrical equipment shall comply with Section 5703.1

2307.1: What do you mean by "readily available" and to whom? The code official?

Quickly and easily to the code official.

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

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 Fire Prevention Code, Chapter 31

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:

3103.2: *Are you making the proposed changes within the packet, or are you going to make the changes in the petition?*

The individual rule will modify the package rule.

Table 3103.12.2: *How will the determination be made for which category a tent fits into in the categories you split in half?*

The occupant load will remain the same regardless of the permit threshold.

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

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 Fire Prevention Code, 3406.1

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:

3406.1: *Please confirm that this language is what will appear in the 2019 Fire Prevention Code, given the changes reflected in the packet on Page 150.*

Yes. The individual rule will modify the package rule.

3406.1.1.1: *I believe you mean "45,720"*

No. This is standard ICC format.

What are you saying regarding "where storage piles are located not less than ... from any storage pile." Do you mean "any other storage pile."?

3406.1.1.1 Access to piles. Access roadways shall be within 150 feet (45 720 mm) of any point in the storage yard where storage piles are located not less than 20 feet (6096 mm) from any **other** storage pile.

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

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 Fire Prevention Code, Chapter 53

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:

5301.1: *I think you need to retain the "the" before "International Fuel Gas Code"*

Consider changing the citation to "02 NCAC 38, Section .0700." If you need to keep the full title, that is fine, especially if you kept it as written in other parts of this Code.

LP-gas shall also comply with Chapter 61, and the *International Fuel Gas Code*, Chapter 119 Article 5 of the General Statutes, and 02 NCAC 38, Section .0700.

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

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 Fire Prevention Code, Chapter 56

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:

5601.1: *In Exception 10, it's General Statutes. And please end the sentence with a period.*

5601.2.4.2: *Please state "N.C.G.S. 14-413(d)"*

10. The possession, storage, transportation and use of explosive materials by companies permitted under the provisions of N.C.G.S. Chapter 74, Article 7.

5601.2.4.2 Fireworks display.

The permit holder shall furnish a ~~bond or~~ certificate of insurance in an amount ~~deemed adequate by the fire code official~~ specified by N.C.G.S. 14-413 (d) for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

G.S. 14-413(d) states:

§ 14-413. Permits for use at public exhibitions.

(d) A board of county commissioners or the governing board of a city shall not issue a permit under this section unless the display operator provides proof of insurance in the amount of at least five hundred thousand dollars (\$500,000) or the minimum amount required under the North Carolina State Building Code pursuant to G.S. 143-138(e), whichever is greater. A board of county commissioners or the governing board of a city may require proof of insurance that exceeds these minimum requirements. (1947, c. 210, s. 4; 1993 (Reg. Sess., 1994), c. 660, s. 3.1; 1995, c. 509, s. 11; 2003-298, s. 1; 2007-38, s. 2; 2009-507, s. 2; 2013-275, s. 2; 2015-124, s. 2.)

Are you attempting to set the amount here? Because if so, how is this determined? Or are you relying upon the fixed amount of \$500,000 set in statute?

The fixed amount in the statute.

5608.2: *Please state "N.C.G.S." and will "fire code official" be italicized when published?*

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

5608.2 Permit application.

Prior to issuing permits for a fireworks display, plans for the fireworks display, inspections of the display site and demonstrations of the display operations shall be *approved*. A plan establishing procedures to follow and actions to be taken in the event that a shell fails to ignite in, or discharge from, a mortar or fails to function over the fallout area or other malfunctions shall be provided to the *fire code official*. Prior to issuing any fireworks permits regulated by this code, the *fire code official* shall verify that permission has been granted to conduct a fireworks display in accordance with **N.C.G.S.** 14-410.

5608.3: Are these operators licensed or are they permitted? The Rules refer to a permit. And please make the statute citation "N.C.G.S." For the Code citation, either state "11 NCAC 05D" but I note that in other places, you spell this out more.

The operators are licensed as described in GS 82A. Public exhibitions require permits.

5610.1: Why not state "Fireworks allowed by N.C.G.S. 14-414 may be sold, transported, or possessed without a permit."

5610.1 Fireworks allowed by NC General Statute 14-414 shall be permitted to be sold or possessed without a permit. A minimum of one pressurized water fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from the hazard. "No Smoking" signs complying with Section 310 shall be posted in areas where fireworks are stored or displayed for retail sale. No sale of fireworks shall be made to persons less than 16 years of age per **N.C.G.S.** 14-410.

You state that not fireworks can be sold to anyone under 16, but that is not exactly what G.S. 14-410 states, as the law defines some things like "party poppers" as pyrotechnics. Will your regulated public understand the distinction?

Yes. The GS exempted small fireworks are covered in the Fireworks 1.4G definition. These are the ones sold over-the-counter around the holidays.

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

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 Fire Prevention Code, Appendices

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:

Appendix H: What do you mean "The provisions contained in this appendix are adopted as part of this code"? You do mean to retain it, correct, given that you insert a cross-reference to it in 5001.5.1. Does this tie into the question I asked for 101.2.1?

It is the same question. This appendix is adopted as part of the Code. Other appendices are published for either adoption by the local jurisdiction or informational purposes.

Appendix J: This is not mentioned. Is it being changed?

Appendix J (also E) will be published with no changes.

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

**Barry Gupton, PE
Chief Code Consultant**

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

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

From: Reeder, Amanda J
Sent: Monday, August 07, 2017 12:43 PM
To: Gupton, Barry <Barry.Gupton@ncdoi.gov>
Cc: Reeder, Amanda J <amanda.reeder@oah.nc.gov>
Subject: RE: RRC Request for Technical Changes - Fire

And again, thank you so much for everything you're doing. I truly appreciate it!

In Section 106, I'd asked about what "NCGS" you referred to on the first line of the 5th paragraph. You stated "Revised" but it reads the same.

I intended to revise this as well.

Frequency rates for inspections of occupancies as mandated by any other applicable North Carolina laws shall supersede the schedule in this section. Nothing in this section is intended to prevent a jurisdiction from conducting more frequent inspections than the schedule listed above or the schedule filed with the Office of State Fire Marshal of the Department of Insurance.

In 203.8.4, Condition 3, you responded "editorial correction" and in the next one, you said "editorial separate line items" What do you mean?

I added the hyphen as an editorial correction.

203.8.3 Condition 3.

This occupancy condition shall include buildings in which free movement is allowed within individual smoke compartments, such as within a residential unit comprised of individual sleeping units and group activity spaces, where egress is impeded by remote-controlled release of means of egress from such a smoke compartment to another smoke compartment.

In 203.9, I separated Drug Stores and Markets into separate line items.

Drug stores

Markets

For 203.10.3, thank you for telling me the language was provided by the licensing agency.

You're welcome.

In 319.1.3, please note my concerns remain regarding the staffing, as I stated in the building code email a minute ago.

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 319.1.4, please make sure that on the second paragraph, "owner" is made lowercase.

I intended to revise this as well.

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

319.1.4 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.

Thank you!

Amanda

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

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

From: Gupton, Barry
Sent: Monday, August 07, 2017 10:33 AM
To: Reeder, Amanda J <amanda.reeder@oah.nc.gov>
Subject: RE: RRC Request for Technical Changes - Fire

See attached 2018 NC Fire Code response with corrections. Thanks. Barry.

I understand that there may be 10+ objections to the "tent" rule. If so, then the package requirements will be published with further amendment to those sections.

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