**SUBMISSION FOR PERMANENT RULE**


2. Rule citation & name (name not required for repeal):
   2018 NC Building Code Section 3006.3 Hoistway opening protection (210914 Item B-4)

3. Action:

   - [ ] ADOPTION
   - [ ] AMENDMENT
   - [ ] REPEAL
   - [ ] READOPTION
   - [ ] REPEAL through READOPTION

4. Rule exempt from RRC review?
   - [ ] Yes. Cite authority:
   - [x] No

5. Rule automatically subject to legislative review?
   - [ ] Yes. Cite authority:
   - [x] No

6. Notice for Proposed Rule:
   - [x] Notice Required
     - Notice of Text published on: November 1, 2021
     - Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices
     - Hearing on: December 14, 2021
     - Adoption by Agency on: March 15, 2022
     - Notice not required under G.S.:
     - Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
   - [ ] Yes
     - Agency submitted request for consultation on:
       - Consultation not required. Cite authority:
   - [x] No

8. Fiscal impact. Check all that apply.
   - [x] This Rule was part of a combined analysis.
   - [ ] State funds affected
   - [ ] Local funds affected
   - [ ] Substantial economic impact ($\geq$1,000,000)
   - [ ] Approved by OSBM
   - [x] No fiscal note required

9. REASON FOR ACTION

   9A. What prompted this action? Check all that apply:
   - [x] Agency
   - [ ] Court order / cite:
   - [ ] Federal statute / cite:
   - [ ] Federal regulation / cite:
   - [ ] Legislation enacted by the General Assembly
     - Cite Session Law:
   - [ ] Petition for rule-making
   - [ ] Other:

   9B. Explain:
The addition of the vision panel is required by the Elevator Division of NC DOL to provide emergency responders the opportunity to see what is happening on a floor before opening the smoke and draft control door and exposing the elevator shaft to possible smoke and hot gases.
The delayed effective date of this Rule is January 1, 2023.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

10. Rulemaking Coordinator: David B. Rittlinger
    David B. Rittlinger
    Phone: (919)647-0008
    E-Mail: david.rittlinger@ncdoi.gov

    Additional agency contact, if any:
    Phone:
    E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:

    *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

    Typed Name: David B. Rittlinger
    Title: Chief Code Consultant

RRC AND OAH USE ONLY

Action taken:

- [ ] RRC extended period of review:
- [ ] RRC determined substantial changes:
- [ ] Withdrawn by agency
- [ ] Subject to Legislative Review
- [ ] Other:
3006.3 Hoistway opening protection. Where Section 3006.2 requires protection of the elevator hoistway door opening, the protection shall be provided by one of the following:

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

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

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

4. The elevator hoistway shall be pressurized in accordance with Section 909.21.
# Submission for Permanent Rule

|---|

| 2. Rule citation & name (name not required for repeal): |
| 2018 NC Fire Code Section 304.4.2.3 (210914 Item B-5) |

| 3. Action: |
| ☐ Adoption ☒ Amendment ☐ Repeal ☐ Readoption ☐ Repeal through Readoption |

| 4. Rule exempt from RRC review? |
| ☐ Yes. Cite authority: |
| ☒ No |

| 5. Rule automatically subject to legislative review? |
| ☐ Yes. Cite authority: |
| ☒ No |

| 6. Notice for Proposed Rule: |
| ☒ Notice Required |
| Notice of Text published on: November 1, 2021 |
| Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices |
| Hearing on: December 14, 2021 |
| Adoption by Agency on: March 15, 2022 |
| ☐ Notice not required under G.S.: |
| Adoption by Agency on: |

| 7. Rule establishes or increases a fee? (See G.S. 12-3.1) |
| ☐ Yes |
| Agency submitted request for consultation on: |
| Consultation not required. Cite authority: |
| ☒ No |

| 8. Fiscal impact. Check all that apply. |
| ☐ This Rule was part of a combined analysis. |
| ☐ State funds affected |
| ☐ Local funds affected |
| ☐ Substantial economic impact ($1,000,000) |
| ☐ Approved by OSBM |
| ☒ No fiscal note required |

## Reason for Action

| 9A. What prompted this action? Check all that apply: |
| ☒ Agency |
| ☐ Court order / cite: |
| ☐ Federal statute / cite: |
| ☐ Federal regulation / cite: |

| 9B. Explain: |
| This change removes the requirements for non-sprinklered buildings. |

The delayed effective date of this Rule is July 1, 2022.
The Statutory authority for Rule-making is G.S. 143-136; 143-138.

| 10. Rulemaking Coordinator: David B. Rittlinger |
| David B. Rittlinger |
| Phone: (919)647-0008 |
| E-Mail: david.rittlinger@ncdoi.gov |

Additional agency contact, if any: |
| Phone: |
| E-Mail: |

| 11. Signature of Agency Head* or Rule-making Coordinator: |
| [Signature] |

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. |

Typed Name: David B. Rittlinger |
Title: Chief Code Consultant |

**RRC and OAH USE ONLY**

| Action taken: |
| ☐ RRC extended period of review: |
| ☐ RRC determined substantial changes: |
| ☐ Withdrawn by agency |
| ☐ Subject to Legislative Review |
| ☐ Other: |
304.4.2.3. Containers used for valet trash collection shall not exceed a capacity of 2.0 cubic feet (15 gallons, 0.06 cubic meters) and shall be provided with tight-fitting or self-closing lids. Containers and lids shall comply with either:

1. Containers and lids located in an area that is protected by fire sprinklers shall be constructed entirely of noncombustible materials or materials that meet a peak rate of heat release not exceeding 300 kW/m² when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m² in the horizontal orientation. Containers and lids shall be listed or bear the label of an approved agency that validates compliance with this requirement.

2. Containers and lids located in an area that is not protected by fire sprinklers shall be constructed entirely of noncombustible materials or materials that meet a peak rate of heat release not exceeding 150 kW/m² when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m² in the horizontal orientation. Containers and lids shall be listed or bear the label of an approved agency that validates compliance with this requirement.
## SUBMISSION FOR PERMANENT RULE

| 2. Rule citation & name (name not required for repeal): |
| 2018 NC Building Code Section 3006.2 Hoistway opening protection required (210914 Item B-3) |

| 3. Action: |
| ☐ ADOPTION ☑ AMENDMENT ☐ REPEAL ☐ READOPTION ☐ REPEAL through READOPTION |

| 4. Rule exempt from RRC review? |
| ☐ Yes. Cite authority: |
| ☑ No |

| 5. Rule automatically subject to legislative review? |
| ☐ Yes. Cite authority: |
| ☑ No |

| 6. Notice for Proposed Rule: |
| ☑ Notice Required |
| Notice of Text published on: November 1, 2021 |
| Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices |
| Hearing on: December 14, 2021 |
| Adoption by Agency on: March 15, 2022 |
| ☐ Notice not required under G.S.: |
| Adoption by Agency on: |

| 7. Rule establishes or increases a fee? (See G.S. 12-3.1) |
| ☐ Yes |
| Agency submitted request for consultation on: |
| Consultation not required. Cite authority: |
| ☑ No |

| 8. Fiscal impact. Check all that apply. |
| ☐ This Rule was part of a combined analysis. |
| ☐ State funds affected |
| ☐ Local funds affected |
| ☐ Substantial economic impact ($1,000,000) |
| ☐ Approved by OSBM |
| ☑ No fiscal note required |

| 9. REASON FOR ACTION |

| 9A. What prompted this action? Check all that apply: |
| ☑ Agency |
| ☐ Court order / cite: |
| ☐ Federal statute / cite: |
| ☐ Federal regulation / cite: |
| ☐ Legislation enacted by the General Assembly |
| ☐ Cite Session Law: |
| ☑ Petition for rule-making |
| ☐ Other: |

| 9B. Explain: |

Addressing unfinished or unoccupied stories that would require such protection for occupied stories clarifies and prevents the possibility of smoke and hot gases from those vacant stories from entering the elevator shaft.

The delayed effective date of this Rule is January 1, 2023. The Statutory authority for Rule-making is G.S. 143-136; 143-138.

| 10. Rulemaking Coordinator: David B. Rittlinger |
| David B. Rittlinger |
| Phone: (919)647-0008 |
| E-Mail: david.rittlinger@ncdoj.gov |

Additional agency contact, if any:
Phone: |
E-Mail: |

| 11. Signature of Agency Head* or Rule-making Coordinator: |

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: David B. Rittlinger
Title: Chief Code Consultant

RRC AND OAH USE ONLY

| Action taken: |
| ☐ RRC extended period of review: |
| ☐ RRC determined substantial changes: |
| ☐ Withdrawn by agency |
| ☐ Subject to Legislative Review |
| ☐ Other: |

Permanent Rule 0400 – 03/2019
SUBMISSION FOR PERMANENT RULE

2018 NC Building Code
3006.2 Hoistway opening protection required (210914 Item B-3)

3006.2 Hoistway opening protection required. Elevator hoistway door openings for occupied and unoccupied stories shall be protected in accordance with Section 3006.3 where an elevator hoistway connects more than three stories, is required to be enclosed within a shaft enclosure in accordance with Section 712.1.1 and any of the following conditions apply:
1. The building is not protected throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. The building contains a Group I-1, Condition 2 occupancy.
3. The building contains a Group I-2 occupancy.
4. The building contains a Group I-3 occupancy.
5. The building is a high rise and the elevator hoistway is more than 75 feet (22,860 mm) in height. The height of the hoistway shall be measured from the lowest floor to the highest floor of the floors served by the hoistway.

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

## 2. Rule citation & name (name not required for repeal):
2018 NC Building Code Section 116 Unsafe Structures and Equipment (210914 Item B-2)

## 3. Action:
- [ ] ADOPTION
- [X] AMENDMENT
- [ ] REPEAL
- [ ] READOPATION
- [ ] REPEAL through READOPATION

## 4. Rule exempt from RRC review?
- [ ] Yes. Cite authority:
- [X] No

## 5. Rule automatically subject to legislative review?
- [ ] Yes. Cite authority:
- [X] No

## 6. Notice for Proposed Rule:
- [X] Notice Required
  - Notice of Text published on: November 1, 2021
  - Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices
  - Hearing: December 14, 2021
  - Adoption by Agency on: March 15, 2022
- [ ] Notice not required under G.S.:
  - Adoption by Agency on:

## 7. Rule establishes or increases a fee? (See G.S. 12-3.1)
- [ ] Yes
  - Agency submitted request for consultation on:
    - Consultation not required. Cite authority:
  
- [X] No

## 8. Fiscal impact. Check all that apply.
- [ ] This Rule was part of a combined analysis.
- [ ] State funds affected
- [ ] Local funds affected
- [ ] Substantial economic impact (> $1,000,000)
- [ ] Approved by OSBM
- [X] No fiscal note required

## 9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
- [X] Agency
- [ ] Court order / cite:
- [ ] Federal statute / cite:
- [ ] Federal regulation / cite:
- [ ] Legislation enacted by the General Assembly
- [ ] Cite Session Law:
- [X] Petition for rule-making
- [ ] Other:

9B. Explain:
Provides a direct means to protect the public from unsafe buildings. The NCFC also directs the fire official to notify the building official of an unsafe building, but the NCBC currently provides no direction on how to address securing an unsafe building.

The delayed effective date of this Rule is January 1, 2023.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

## 10. Rulemaking Coordinator: David B. Rittlinger
David B. Rittlinger
Phone: (919)647-9008
E-Mail: david.rittlinger@ncdoj.gov

Additional agency contact, if any:
Phone:
E-Mail:

## 11. Signature of Agency Head* or Rule-making Coordinator:

*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: David B. Rittlinger
Title: Chief Code Consultant

**RRC AND OAH USE ONLY**

- [ ] RRC extended period of review:
- [ ] RRC determined substantial changes:
- [ ] Withdrawn by agency
- [ ] Subject to Legislative Review
- [ ] Other:
SUBMISSION FOR PERMANENT RULE

2018 NC Building Code
Section 116 Unsafe Structures and Equipment (210914 Item B-2)

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

Deleted. See the North Carolina Administrative Code and Policies

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

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


2. Rule citation & name (name not required for repeal):
   2018 NC Residential Code R404.4 Retaining Walls (210914 Item B-1)

3. Action:
   □ ADOPTION  □ AMENDMENT  □ REPEAL  □ READOPTION  □ REPEAL through READOPTION

4. Rule exempt from RRC review?
   □ Yes. Cite authority:
   □ No

5. Rule automatically subject to legislative review?
   □ Yes. Cite authority:
   □ No

6. Notice for Proposed Rule:
   □ Notice Required
   Notice of Text published on: November 1, 2021
   Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices
   Hearing on: December 14, 2021
   Adoption by Agency on: March 15, 2022
   □ Notice not required under G.S.:
   Adoption by Agency on:

7. Rule establishes or increases a fee? (See G.S. 12-3.1)
   □ Yes
   Agency submitted request for consultation on:
   Consultation not required. Cite authority:
   □ No

8. Fiscal impact. Check all that apply.
   □ This Rule was part of a combined analysis.
   □ State funds affected
   □ Local funds affected
   □ Substantial economic impact (≥$1,000,000)
   □ Approved by OSBM
   □ No fiscal note required

9. REASON FOR ACTION

9A. What prompted this action? Check all that apply:
   □ Agency
   □ Court order / cite:
   □ Federal statute / cite:
   □ Federal regulation / cite:
   □ Legislation enacted by the General Assembly
   □ Cite Session Law:
   □ Petition for rule-making
   □ Other:

9B. Explain:
The intent of this modification is to align the residential code with the commercial code for retaining walls on a site not supporting a structure.

The delayed effective date of this Rule is January 1, 2025.
The Statutory authority for Rule-making is G. S. 143-136; 143-138.

10. Rulemaking Coordinator: David B. Rittlinger
    David B. Rittlinger
    Phone: (919)647-0008
    E-Mail: david.rittlinger@ncdoi.gov

    Additional agency contact, if any:
    Phone:
    E-Mail:

11. Signature of Agency Head* or Rule-making Coordinator:
    [Signature]

   *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

   Typed Name: David B. Rittlinger
   Title: Chief Code Consultant

RRC AND OAH USE ONLY

Action taken:
   □ RRC extended period of review:
   □ RRC determined substantial changes:
   □ Withdrewn by agency
   □ Subject to Legislative Review
   □ Other:

Permanent Rule 0400 – 03/2019
R404.4 Retaining Walls. Retaining walls that meet the following shall be designed by a registered design professional.

1. Any retaining walls on a residential site that cross over adjacent property lines regardless of vertical height, or

2. Retaining walls that support buildings and their accessory structures, undercutting footings 10 feet or less per R403.1.9 and Figure 403.1.9, or

3. Retaining individual retaining walls supporting unbalanced backfill exceeding 4 feet (1219 mm)-5 feet (1524 mm) of unbalanced backfill in height within a horizontal distance of 15 feet (4572 mm) or less, or

4. Retaining multiple retaining walls systems providing a cumulative vertical relief of unbalanced backfill heights greater than 5 feet (1524 mm) in height within a horizontal separation distance of 50 feet (15M) 15 feet (4572 mm) or less.

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