

November 15, 2004

Dan Tingen
Tingen Construction Company
8411 Garvey Drive/#101
Raleigh, NC 27616

RE: Agenda for the December 14, 2004 NC Building Code Council Meeting.

Mr. Tingen:

This is to officially notify you and other interested parties of a regularly scheduled meeting of the NC Building Code Council. The December NC Building Code Council meeting will be held at the NC Department of Insurance, 322 Chapanoke Road, Suite 200, Raleigh, NC 27603. Persons requiring auxiliary services should notify the Council at least ten working days prior to the meeting.

1. The Work Session will begin at 9:00AM on Monday, December 13, 2004 and is open to the public on a noncontributing basis.
2. Committees will meet at the close of the Work Session.
3. The Public Hearing will begin at 1:00PM on Monday, December 13, 2004. The Council will receive comments at this time.
4. The NC Building Code Council meeting will begin at 9:00AM on Tuesday, December 14, 2004.
5. Appeals will be heard after the close of the meeting.

Part A - Administration Items

Item A-1 **Approval of minutes of the September 14, 2004 NC Building Code Council Meeting.**

Item A-2 **Letters of reappointment to the NC Building Code Council for John Hitch and Tom Turner.**

Item A-3 **Request by the Jackson County Board of Commissioners to adopt the 2002 Fire Prevention Code.**

Item A-4 **Request by the Village of Pinehurst to adopt a local Fire Prevention Code.**

Part B – New Petitions of Rulemaking

The following Petitions for Rulemaking have been received since the last Council meeting. The Council will vote either to deny or grant these Petitions. The Council will give no further consideration to Petitions that are denied. Petitions that are granted may proceed through the Rulemaking process. The Council may send any Petition to the appropriate committee. The hearing will take place March 7, 2005.

Item B-1 **Request by the University of North Carolina system to modify sections 510.1, 510.2, 510.4, and 510.7 of the NC Mechanical Code to reflect the language in the 2004 supplement to the International Codes.**

Item B-2 **Request by the staff of the NC Department of Insurance to adopt the following codes with the 2002 NC Amendments:**

- A. 2006 NC Administrative Rules and Policies
- B. 2003 International Building Code
- C. 2003 International Energy
- D. 2003 International Fire Prevention Code
- E. 2003 International Fuel Gas Code
- F. 2003 International Mechanical Code
- G. 2003 International Plumbing Code
- H. 2003 International Residential Code

Item B-3 **Request by Tim Bradley, Deputy State Fire Marshal, to modify the 2002 NC Fire Prevention Code as follows:**

105.6.7 Combustible dust producing operations. ~~*Optional permit*~~
Mandatory permit. An operational permit ~~may be~~ is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.

Item B-4 **Request by Jerry Cashwell to modify the 2002 NC Fire Prevention Code as follows:**

904.11.5.1 Movable cooking equipment shall be provided with an approved device to ensure that the equipment is correctly positioned in relation to the appliance discharge nozzle. Unless physically affixed to prevent movement, all other equipment shall be provided with permanent markings on the floor to indicate correct placement.

Item B-5 **Request by Patrick Granson to modify the 2002 NC Building Code as follows:**

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less

than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as a Group R-3. Places of worship during religious functions are not included.

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2 ½ years of age or less and when the rooms where such children are cared for are located on the level of exit discharge shall be classified as Group I-4. For children older than 2 ½ years of age shall comply with 1007.6 North Carolina State Building Code.

Item B-6 **Request by Icynene, Inc. to adopt section R806.4, Conditioned Attic Assemblies of the 2004 supplement to the International Residential Code.**

Item B-7 **Request by the North Carolina Building Code Council to adopt the “Rehabilitation Code” as cited in the North Carolina Session Law 2001-372. The document is available online at the following site: www.ncrehadcode.com.**

Part C – Notice of Rulemaking Proceedings and Public Hearing

The attached Petitions for Rulemaking have been granted by the Council. Notice of Rulemaking proceedings has been made. The Public Hearing will be held December 13, 2004 and the Final Adoption meeting will take place on or after March 8, 2005. No further action is required by the Council at this time.

Item C-1 **Request by NCBIA to modify the 2003 International Building Code as follows:**

707.14.1 Elevator lobby. ~~An elevators opening into a fire resistance rated corridor as required by Section 1016.1 lobby shall be provided with an elevator lobby at each floor containing such a corridor where an elevator shaft enclosure connects more than three stories. The lobby shall separate the elevators shaft enclosure doors from the corridor each floor by fire partitions and the required opening protection. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within this code.~~

Exceptions:

1. (No change to current text)
2. Elevators not required to be located in a shaft enclosure in accordance with Section 707.2.
3. (No change to current text)
4. In other than Group I-3, and buildings having occupied floors located more than four stories 75 feet above the lowest level of fire department vehicle access, lobby separation is not required where the building, ~~including the lobby and corridors leading to the lobby,~~ is protected by an automatic sprinkler system installed ~~throughout~~ in accordance with Section 903.3.1.1 or 903.3.1.2.
5. Smoke partitions shall be permitted to separate the elevator lobby at each floor where the building is protected by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
6. Elevator lobbies are not required provided that the elevator shaft enclosure is

pressurized in accordance with Section 909.20.5.

Item C-2 Request by NCBIA to modify the NC Building Code as follows:

1003.3.1.8 Locks and Latches. Egress doors shall be readily openable from the egress side without the use of a key or special knowledge of effort.

Exceptions

1. Places of detention or restraint
2. In buildings in occupancy Group A having an occupant load ~~300~~ less than 100, Groups B, F, M and S, ~~and in churches~~ the main exterior door or doors are permitted to be equipped with key operated locking devices from the egress side provided:

2.1 The locking device is readily distinguishable as locked and provided with a key that cannot be removed when the door is locked from the inside.

This brings the section in line with the requirements for panic hardware in section 1003.3.1.9.

Item C-3 Request by the Residential Code and Energy Conservation Code Committees to revise the requirements for moisture control as dealt with in the International Energy Code.

Delete section 502.1.1 and substitute the following:

502.1.1 Moisture Control. The building design shall not create conditions of accelerated deterioration from moisture condensation. Only in Zone 11, above grade shall frame walls, floors, and ceilings not ventilated to allow moisture to escape be required to have an approved vapor retarder. The vapor retarder shall be installed on the warm-in-winter side of the thermal insulation.

Exceptions:

1. In construction where moisture or its freezing will not damage the materials.
2. Where other approved means to avoid condensation are provided.

Delete section 802.1.2 and substitute the following:

802.1.2 Moisture Control. Only in Zone 11, shall all frame walls, floors, and ceilings not ventilated to allow moisture to escape be required to have an approved vapor retarder having maximum permeance rating of 1.0 perm (5.72x10⁻⁸g/Pa-s-m²) when tested in accordance with Procedure A of ASTM E96, on the warm-in-winter side of the thermal insulation.

Exceptions:

1. In construction where moisture or its freezing will not damage the materials.

2. Where other approved means to avoid condensation in unventilated frame wall, floor, roof, and ceiling cavities are provided.

Item C-4 Request by the Residential Code and Energy Conservation Code Committees to revise the requirements for vapor retardation as dealt with in the International Energy Code.

IBC Section 1403.3 is revised below to be consistent with action that passed concerning EC 32-03/04. Revise the 2002 NC Building Code, Section 1403.3 as follows:

1403.3 Vapor retarder. ~~An approved interior noncorrodible vapor retarder shall be provided. Vapor retarders shall be tested in accordance with ASTM E 96.~~ Vapor retarder requirements shall comply with the *International Energy Code*.

Exceptions:

1. ~~Where other approved means to avoid condensation and leakage of moisture are approved.~~
2. ~~Plain and reinforced concrete or masonry exterior walls designed and constructed in accordance with Chapter 19 and Chapter 21, respectively.~~

Item C-5 Request by NC Fire Service Code Revision Committee to modify the NC Fire Prevention Code as follows:

804.1.1 Restricted occupancies. Natural cut trees shall be prohibited in Group A, E, I-I, I-2, I-3, I-4, M, R-1, R-2, and R-4 occupancies.

Exceptions

1. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M, R-1 and R-2.
2. *In religious assembly occupancies when in the opinion of the Fire Official adequate safeguards have been taken treated natural cut Christmas trees are permitted. The tree shall be treated and maintained flame resistant in accordance with the test protocol listed in Appendix H.*
3. *Trees shall be permitted within dwelling units in Group R-2 occupancies.*

Item C-6 Request by Tim McLaughlin to modify the NC Mechanical Code as follows:

1301.2 Permits. Fuel-oil storage systems shall comply with the International Fire Code. Fuel-oil piping systems shall comply with the requirements of this code.

Exception

Fuel-oil storage tanks for one- and two-family dwellings and townhouses shall

comply with Section 1309.

Section 1309 Oil tanks for one- and two-family dwellings and townhouses.

1309.1 Materials. Supply tanks shall be listed and labeled and shall conform to UL 142 for aboveground tanks, UL 58 for underground tanks, and UL 80 for inside tanks.

1309.2 Above-ground tanks. The maximum amount of fuel oil stored above ground or inside of a building shall be 660 gallons (2498 L). The supply tank shall be supported on rigid noncombustible supports to prevent settling or shifting.

1309.2.1 Tanks with buildings. Supply tanks for use inside of buildings shall be of such size and shape to permit installation and removal from dwellings as whole units. Supply tanks larger than 10 gallons (38 L) shall be placed not less than 5 feet (1524 mm) from any fire or flame either within or external to any fuel-burning appliance.

1309.2.2 Outside above-ground tanks. Tanks installed outside above ground shall be a minimum of 5 feet (1524 mm) from an adjoining property line. Such tanks shall be suitably protected from the weather and from physical damage.

1309.3 Underground Tanks. Excavations for underground tanks shall not undermine the foundations of existing structures. The clearance from the tank to the nearest wall of a basement, pit or property line shall not be less than 1 foot (305 mm). Tanks shall be set on and surrounded with non-corrosive inert materials such as clean earth, sand or gravel well tamped in place. Tanks shall be covered with not less than 1 foot (305mm) of earth. Corrosion protection shall be provided in accordance with section 1309.8.

1309.4 Multiple tanks. Cross connection of two supply tanks shall be permitted in accordance with Section 1309.7.

1309.5 Oil Gauges. Inside tanks shall be provided with a device to indicate when the oil in the tank has reached a predetermined safe level. Glass gauges or a gauge subject to breakage that could result in the escape of oil from the tank shall not be used.

1309.6 Flood-resistant installation. In areas prone to flooding as established by Table R301.2(1) of the International Residential Code, tanks shall be installed at or above the design flood elevation established in Section R327 of the International Residential Code or shall be anchored to prevent flotation, collapse and lateral movement under conditions of the design flood.

1309.7 Cross connection of tanks. Cross connection of supply tanks, not exceeding 660 gallons (2498 L) aggregate capacity, with gravity flow from one tank to another, shall be acceptable provided that the two tanks are on the same horizontal plane.

1309.8 Corrosion protection. Underground tanks and buried piping shall be protected by corrosion resistant coatings or special alloys or fiberglass-reinforced plastic.

Item C-7 **Request by Residential Committee to clarify the current code language dealing with waterproofing that is required for habitable basements as detailed in the Residential Code.**

R406.2 Concrete and masonry foundation basement waterproofing.

~~In areas where a high water table or other severe soil water conditions are known to exist, Exterior foundation~~ basement walls that retain earth and enclose habitable or usable spaces located below grade shall be waterproofed with a membrane extending from the top of the footing to the finished grade.

Exception

Exterior basement walls that retain earth and enclose usable spaces located below grade may be dampproofed where a subsurface soil investigation is performed to determine that the existing ground-water table is not within 5 feet (1524 mm) below the lowest floor level.

The membrane shall consist of 2-ply hot-mopped felts, 55 pound (25 kg) roll roofing, 6- mil (0.15 mm) polyvinyl chloride, 6-mil (0.15 mm) polyethylene or 40-mil (1 mm) polymer-modified asphalt. The joints in the membrane shall be lapped and sealed with an adhesive compatible with the waterproofing membrane.

Exception: Organic solvent based products such as hydrocarbons, chlorinated hydrocarbons, ketones, and esters shall not be used for ICF walls with expanded polystyrene form material. Plastic roofing cements, acrylic coatings, latex coatings, mortars and parings are permitted to be used to seal ICF walls. Cold setting asphalt or hot setting asphalt shall conform to type C of ASTM D449. Hot asphalt shall be applied at a temperature of less than 200 degrees.

Item C-8 Request by NCBA to modify the NC Residential Code as follows:

R318.3 Specific approval. Plastic foam not meeting the requirements of Sections R318.1 and R318.2 may be approved specifically on the basis of one of the following approved tests: ~~ASTM E 84~~, FM 4880, UL 1040, ASTM E 152, or UL 1715, or fire tests related to actual end-use configurations. The specific approval may be based on the end use, quantity, location and similar considerations where such tests would not be applicable or practical.

Item C-9 Request by the Residential Code and Energy Code Committees to revise section R322.1 dealing with Moisture Control in the Residential Code.

Delete section R322.1 and substitute the following:

R322.1 Moisture Control. Only in Zone 11 counties identified in Table N1101.2, above grade shall frame walls, floors and ceilings not ventilated to allow moisture to escape be required to have an approved vapor retarder. The vapor retarder shall be installed on the warm-in-winter side of the thermal insulation.

Exceptions:

1. In construction where moisture or its freezing will not damage the materials.
2. Where the framed cavity or space is ventilated to allow moisture to escape.

Delete the following without replacement:

1. Note "a" in Table N1101.2 without replacement.
2. Superscript "a" that appears beside certain counties in Table N1101.2 for the state of North Carolina.

Part D - Final Adoption

The following Petitions for Rulemaking have been granted by the Council. Notice of Rulemaking proceedings and Public Hearing has been made. The Public Hearing was held September 13, 2004 and the Final Adoption meeting will take place on December 14, 2004. The Council will give no further consideration to Petitions that are disapproved. Petitions that are approved will proceed through the Rulemaking process.

Item D-1 **Request by staff to adopt the 2005 NEC, including amendments from the 2002 NC Electrical Code. The committee recommends approval of amendment 210-8(A)(3) for sewage lift pumps. The committee does recommend approval of amendment 210.71 for smoke alarms.**

Item D-2 **Request to add a new Section 102.5 in the Administrative Code and in the scoping provisions of all other codes to notify owners, designers, contractors, and licensees that other agencies, boards, and commissions may have additional minimum construction requirements for licensure. [Hearing only]**

102.5 Requirements of other State agencies, occupational licensing boards, or commissions. The North Carolina State Building Codes do not include all additional requirements for buildings and structures that may be imposed by other State agencies, occupational licensing boards, and commissions. It shall be the responsibility of a permit holder, design professional, contractor, or occupational license holder to determine whether any additional requirements exist.

Part E - Reports

Building Code Council Standing Committee Reports

Ad Hoc Committee Reports and Meeting Dates

Building Code Committee (Chapters 1-15)

Butch Simmons, Chairman

Meeting dates: December 9, 2004; January 13, 2005; February 3, 2005

Building Code Committee (Chapters 16 - end)

Tom Avery, Chairman

No meeting has been scheduled at this time.

Electrical Code Committee

Lon Culbertson, Chairman

Energy Code Committee

Tom Turner, Chairman

Meeting dates: November 30, 2004; January 18, 2005; February 1, 2004

Fire Prevention Code Committee

Alan Perdue, Chairman

No meeting scheduled at this time.

Fuel Gas Code Committee

Terry Greene, Chairman

Meeting dates: December 1, 2004; January 12, 2005; January 26, 2005;
February 9, 2005

Mechanical Code Committee

Al Bass, Chairman

Meeting dates: December 8, 2004; January 19, 2005; February 16, 2005

Plumbing Code Committee

Al Bass, Chairman

Meeting dates: December 2, 2004; January 5, 2005; February 2, 2005

Residential Code Committee

Marshall Knight, Chairman

Meeting dates: November 12, 2004

Please note: All Ad Hoc Committee meetings will begin at 9:00AM and will be held at the NC Department of Insurance located at 322 Chapanoke Road, Suite 200, Raleigh, NC 27603. Any changes will be relayed to the appropriate committee and its members.

Staff Reports

Other Reports

Part F - Appeals

The following Appeals have been scheduled since the last Council meeting. These Appeals require Council hearing and action but are not subject to the Rulemaking process.

Item F-1 Hocutt Memorial Baptist Church of Burlington, NC vs. the Burlington Fire Department (Inspections)

Sincerely,

Barry Gupton, PE
Secretary, NC Building Code Council