

May 9, 2005

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

RE: Agenda for the June 14, 2005 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 June NC Building Code Council meeting will be held at the NC Department of Insurance located at 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, June 13, 2005 and is open to the public on a noncontributing basis.
2. Committees may meet at the close of the Work Session.
3. The Public Hearing will begin at 1:00PM on Monday, June 13, 2005. The Council will receive comments at this time. At close of hearing, committees may meet.
4. The NC Building Code Council meeting will begin at 9:00AM on Tuesday, June 14, 2005.
5. Appeals will be heard after the close of the meeting.

Part A - Administrative Items

Item A-1 Executive Order: Inquire upon conflicts of interest or appearance of conflicts of interest that exist within the Council.

- Item A-2** **Approval of minutes of the March 8, 2005 NC Building Code Council Meeting.**
- Item A-3** **Letter of appointment to the NC Building Code Council for David Smith.**
- Item A-4** **Letter of reappointment to the NC Building Code Council for Jack Neel.**
- Item A-5** **Letter of resolution for Marshall Knight.**
- Item A-6** **Letter from Town of Cary requesting permission to review plans and specifications of buildings listed in table 502 of the NC Administration and Enforcement Requirements Code, per section 502.2.3 for a period of five years.**
- Item A-7** **Request by Town of Fletcher to approve the Fire Prevention Ordinance.**

Part B - New Petitions for 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 September 12, 2005.

- Item B-1** **Request by the Town of Pine Knoll Shores to reinstatement the wind-borne debris provisions (1609.1.4 Protection of Openings) of the NC Building Code.**
- Item B-2** **Request by Jordan Barab to modify Section 1304.1 Standards of the NC Fire Prevention Code.**
- Item B-3** **Request by Zeno A. Martin, PE of the Engineered Wood Association to modify Section R602.10.5 Continuous structural panel sheathing of the NC Residential Code.**
- Item B-4** **Request by Robbie M. Pate of the Rocky Mount Fire Department to modify the NC Fire Prevention Code as follows:**

3404.2.1 Change of tank contents. Tanks subject to change in contents shall be in accordance with Section 3404.2.7. Prior to a change in contents, the code official is authorized to require testing of a tank.

Tanks that have previously contained Class I liquids shall not be loaded with Class II or Class III liquids until such tanks and all piping, pumps, hoses and meters connected thereto have been completely drained and flushed.

It shall be unlawful to dispense a flammable liquid fuel into any storage tank specified for combustible liquid fuels. The introduction of

such fuel into a storage tank shall be reported to the Fire Official immediately upon discovery by the fuel Delivery Company and or merchant responsible for the storage tank.

Upon notification from the fuel Delivery Company or discovery, the merchant shall immediately shut off power to the pump to insure that no dispensing of mixed fuel occurs. Under no circumstances may any fuel be dispensed from the storage tank until all provisions of this section have been addressed and written approval is obtained from the fire official.

Item B-5 Request by Safran Law Offices to modify the Section 3401 of the Building Code as follows:

3401.2 Maintenance. Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition and interpretations under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the building official shall have the authority to require a building or structure to be reinspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

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 June 13, 2005 and the Final Adoption meeting will take place on or after September 13, 2005. No further action is required by the Council at this time.

Item C-1 Request by Cyrus Dastur, Advanced Energy, to modify the Residential Code, Sections R318 and R409 related to foam plastic flamespread.

The following revised language was given to the Council for consideration during the work session on Monday, March 7, 2005:

R318.2.3 Attics and crawl spaces. Within attics and crawl spaces where entry is made only for service utilities, foam plastic shall be protected against by 1 ½ inch-thick (38mm) mineral fiber insulation, ¼-inch thick (6.4mm) wood structural panels, 3/8-inch (9.5mm) particleboard, ¼-inch (6.4mm) hardboard, 3/8-inch (9.5mm) gypsum board, or corrosion-resistant steel having a base metal thickness of 0.016 inch (0.406mm).

~~Within crawl spaces, foam plastic use is governed by R409.8.2.~~

R409.8.2 Foam plastic fire safety. Foam plastic insulation may be installed inside crawl spaces without a thermal ~~cover~~ barrier or ignition barrier when the insulation product has been tested in accordance with ~~ASTM E 84 have a flame~~

~~spread rating of not more than 25 and a smoke developed rating of not more than 450~~ section R318.3. foam plastic tested in accordance with section R318.3 shall be installed according to the limitations stated in the ICC Evaluation Service National Report (ICC NER) for the product. Foam plastics that have not been tested to meet these ratings shall be protected against ignition by covering them with a thermal barrier. Acceptable thermal barriers include but are not limited to ½ inch cement board, metal foil sheets, metal foil tape, steel or aluminum metal sheets or other approved materials installed in such a manner that the foam is not exposed per section R318.2.3.

Exception: Foam plastic insulation located in closed crawl spaces used as conditioned spaces as defined in section R409.5.5 Conditioned Space or section R409.6 Plenums shall be protected against by an approved thermal barrier.

Marshall Knight made a motion to grant this petition. Barry Maness seconded the motion. The motion carried.

Item C-2 **Leslie Young, NC State University Center for Universal Design, introduced a petition for rulemaking regarding the NC Rehab Pilot Code. Ms. Young requested the following statement be added in Section 1.1 of the NC Rehab Code:**

All references to accessibility in the NC Rehab Code shall mean the 1999 NC Accessibility Code with 2002 and 2004 Amendments.

Butch Simmons made a motion to grant this petition. John Hitch seconded the motion. The motion carried.

Item C-3 **Request by the staff of the NC Department of Insurance to adopt the following codes:**

- A. 2006 NC Administrative Rules and Policies**
- B. 2003 International Building Code**
Chapters 1-15 (with 2006 NC Amendments)
Chapters 16-end (with 2002 NC Amendments)
- C. 2003 International Energy Code (with 2002 NC Amendments)**
- D. 2003 International Fire Prevention Code (with 2004 IFC Supplement)**
- E. 2003 International Fuel Gas Code (with 2006 NC Amendments)**
- F. 2003 International Mechanical Code (with 2002 NC Amendments)**
- G. 2003 International Plumbing Code (with 2002 NC Amendments)**

The initial Public Hearing was held on March 7, 2005. The Second Public Hearing is scheduled for June 13, 2005. A third Public Hearing is tentatively scheduled for August 2005 with Final Adoption anticipated on September 13, 2005.

The 2006 NC Administrative Rules and Policies is a reorganization and rewrite of the 2002 NC Administration and Enforcement Requirements Code. The 2006 NC Amendment documents for the 2003 IBC, Chapters 1-15 and the 2003 IFGC will be

available online at the following site on or before May 16, 2005:
www.ncbuildingcodes.com (click on NC State Building Codes)

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 March 7, 2005 and the Final Adoption meeting will take place on June 14, 2005. 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 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 D-2 **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 D-3 **Request by Patrick Granson to modify the 2002 NC Building Code as follows:**

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.

This code change is proposed to clarify that Group I-4 facilities for young children are required to be on the level of exit discharge. Barry Gupton, NCDOT offered the following amendment to 419.1.1 in lieu of the proposed amendment to 308.5.2.

419.1.1 Location. Rooms where occupants receive care in I-4 and R-3 adult and child care facilities shall be on the level of exit discharge.

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

The Residential Code and Energy Conservation Code Ad Hoc Committees met on February 7, 2005 and recommended approval.

Item D-5 **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.ncrehabcode.com.**

Additional Public Hearings are tentatively scheduled for June and July of 2005 with Final Adoption anticipated in September 2005.

Part E - Reports

Building Code Council Standing Committee Reports

Ad Hoc Committee reports and Meeting Dates

Ad Hoc Committee	Chairman	Status
Building Code (Chapters 1-15)	Butch Simmons	Work is complete.
Building Code (Chapters 16-end)	Tom Avery	Work is complete.
Electrical Code	Lon Culbertson	Work is complete.
Energy Code	Tom Turner	Work is complete.
Fire Prevention Code	Alan Perdue	Work is complete.
Fuel Gas Code	Terry Greene	Work is complete.
Mechanical Code	Al Bass	Work is complete.
Plumbing Code	Al Bass	Work is complete.
Residential Code	Dan Tingen	Final Meeting date: June 29, 2005

Staff Reports

Other Reports

Part F - Appeals

Item F-1 **There are no appeals scheduled for this meeting.**

Sincerely,

Barry Gupton, PE
Secretary, NC Building Code Council