

NC Building Code Council
Continuation of the Hearing from September 13, 2005
Raleigh, NC
October 13, 2005

Meeting called to order. The meeting was called to order at 10:00AM in an open session. Chairman Tingen asked if anyone was present to discuss any other items not related to the hearing before the Council went into a closed session.

Other items. Charles Raynal, ACEC, presented a letter to the Council requesting reconsideration of the revision to the Building Code, Section 1704.1. Tom Turner excused himself from any discussion regarding special inspections. Diane Miller explained to the Council that any extensive changes would require the process to start over again. Tom Avery explained the reasoning behind the modifications that the Building Code Ad Hoc Committee made and the impact the modifications would have on the building economy in North Carolina. The Council directed NCDOI staff to send all code change proposals through Rules Review as approved on September 13, 2005.

Closed Session. Al Bass made a motion to go into a closed session to deliberate the September 12 - 13, 2005 appeal regarding Regional Construction and Design. Bob Ruffner seconded the motion. The Council was in closed session from 11:00AM - 2:00PM.

Open Session. The Council reconvened in an open session at 2:00PM. The Council proposed to have the order regarding the appeal written soon. The Council decided to adopt an emergency rule and begin the temporary rule process immediately. It was decided to adopt the temporary rule and the permanent rule will begin at the December 12-13, 2005 Council meeting.

Bob Ruffner made a motion to initiate the emergency and temporary rules to add the following (also, please see the attached document):

1. Add "industrial equipment and industrial machinery" to the definition of "equipment."
2. Define the methods of approval of said equipment, and
3. Initiate a permanent rule at the December 13, 2005 Council meeting.

Tom Avery made a motion to reconsider the Building Code, Section 903.2.7 at the December 12-13, 2005 meeting and hold its submission to Rules Review. The motion was seconded. The motion carried.

Close of meeting. The open session of the meeting adjourned at 3:00PM.

EMERGENCY RULE ADOPTION
NOTICE OF TEMPORARY RULE
2005 NC Electrical Code Amendment
10.10 Approval, Article 100 Equipment definition

The NC Building Code Council met on October 13, 2005 to deliberate the September 12-13, 2005 appeal concerning approval of industrial equipment/machinery. Based on Council action on the appeal, they found it necessary to adopt the following Emergency Rule to insure that the local Code Enforcement Officials will continue to approve all industrial equipment/machinery:

10.10 Approval. The Authority Having Jurisdiction shall approve industrial equipment or industrial machinery by one of the following methods chosen by the owner or owner's agent:

(1) Approval by a Licensed Professional Engineer registered in the State of North Carolina.

(2) Listing or Labeling by a Third Party Testing Agency approved by the NC Building Code Council.

(3) Approval by the local Code Enforcement Official.

Article 100

Equipment. A general term including material, fittings, devices, appliances, luminaires (fixtures), apparatus, industrial equipment, industrial machinery, and the like used as a part of, or in connection with, an electrical installation.

This code change is for the life-safety of employees and other building occupants. The Effective Date for this Rule is October 26, 2005. A Temporary Rule was proposed (same language as above) in conjunction with the Emergency Rule. The public comment period starts on October 24, 2005 and ends on November 21, 2005. Direct written comments to:

Barry Gupton, PE
Secretary, NC Building Code Council
NC Department of Insurance, Engineering Division
322 Chapanoke Road, Suite 200
Raleigh, NC 27603

A public hearing will be held on:

December 12, 2005 @ 1:00 PM
Wake County Commons Building
4011 Carya Drive
Raleigh, NC

Adoption of the Temporary Rule and proposal for Permanent Rule is anticipated on December 13, 2005.