

**Minutes of the North Carolina Building Council  
March 14, 2006  
Wrightsville Beach, North Carolina**

All members of the North Carolina Building Code Council were present with the exception of Lon Culbertson, Brad Lail, and Barry Maness.

The following are summary minutes. The official minutes of this meeting are recorded on CD. Anyone desiring verbatim CDs or excerpts from these CDs should contact the Engineering Division of the North Carolina Department of Insurance for information and reproduction costs. The next scheduled NC Building Code Council meeting will be held on June 13, 2006 in Raleigh, North Carolina at One Renaissance Centre, 3301 Benson Drive.

**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.**

There were no conflicts of interest within the Council.

**Item A – 2     Approval of minutes of the December 13, 2005 NC Building Code Council Meeting.**

Mack Nixon made a motion to approve the December 13, 2005 minutes. Al Bass seconded the motion. The motion carried.

**Item A – 3     Request by Matt Stone, Buncombe County, for authority to review plans and specifications of buildings using requirements listed in Chapter Five of the NC Administration and Enforcement Code.**

Al Bass made a motion to approve this request. Terry Greene seconded the motion. The motion carried.

**Part B - 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 on or after June 12, 2006.

**Item B – 1     Request by Bill Warren, NCDPS Construction Section Chief, to amend the 2006 Fire Code and Building Code to address audible alarms in ambulatory surgery and recovery areas of Group B occupancies where health care is provided. The proposed amendment is as follows:**

**907.10.2 Audible Alarms.**

**Exceptions:**

3. In ambulatory surgery and recovery areas of Group B occupancies, where health care is provided and because of (1) the type of treatment, (2) the administration of anesthesia or (3) the nature of an injury or illness may render the patient(s) incapable of self-preservation in an emergency, audible notification appliances shall be permitted to meet the Private Mode requirements of NFPA 72 and only the attendants and other personnel required to evacuate occupants from a zone, area, floor or building shall be required to be notified.

Alan Perdue made a motion to grant this petition. Al Bass seconded the motion. The motion carried. This petition will be sent to the Fire Code Committee for review.

**Item B - 2 Request by the NC Department of Insurance to adopt the 2003 International Residential Code with 2006 Amendments.**

Tom Avery made a motion to grant this petition. Tom Turner seconded the motion. The motion carried. David Smith reported that the Residential Code Standing Committee would meet after the Council meeting. The proposed 2006 amendments will be posted online at [www.ncbuildingcodes.com](http://www.ncbuildingcodes.com).

**Item B - 3 Request by the NC Building Code Council to amend the 2006 NC Fire and Building Codes to incorporate the 2003 IFC/IBC Group R sprinkler requirements as follows:**

**903.2.7 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.

**Exception:** An automatic sprinkler system is not required in Group R-3 and R-4 adult and child day care facilities.

Al Bass made a motion to grant this petition. Tom Avery seconded the motion. Alan Perdue felt the request should proceed through the rule making process immediately; Al Bass concurred with Mr. Perdue. Dan Tingen questioned if the request should be made into an emergency rule and when the rule should be adopted. Mr. Perdue pressed for it to be adopted with the new code. Diane Miller requested a date for the code publication and stated issues regarding making an emergency rule could easily be dealt with. Dan Tingen stated that a temporary rule could be put into effect during the Council's June meeting. Vaughn Wicker, ICC representative, expressed concern with the timing of the issue and the importance of having the new information in the new code, which needs to be printed soon. Wanda Edwards, NCDOI staff, stated a public hearing could be held before the June meeting; a comment period would be given for a period of 60 days and the rule would be ready for adoption in June. The effective date would be August 1, 2006. Dan Tingen suggested acting on the petition and delaying the publication of the codes. Barry Gupton, NCDOI staff, stated that he has questioned the Rules review Commission staff regarding dates; the earliest the rule could be made would be August 1, 2006. Butch Simmons questioned the procedures that are taken when code language is published incorrectly. Mr. Wicker stated an errata would be published on the ICC website. John Hitch stated the publication date should not be delayed and an emergency rule should be instated. The motion to grant the petition carried. The need for and Emergency Rule/Temporary Rule will be addressed again at a later date.

**Item B - 4 Request by Anna Carter, Division of Child Development to amend the 2006 NC Plumbing Code, Table 403.1 to include fixture requirements for Child Day Care from the 2002 NC Plumbing Code.**

This petition has already been addressed in an errata. Al Bass made a motion to accept this item as an errata to the 2006 NC Plumbing Code. Butch Simmons seconded the motion. The motion carried.

**Part C - Notice of Rulemaking Proceedings and Public Hearing**

The Public Hearing for the items listed below was held March 13, 2006.

**Item C - 1 Request by Steven Mayer, Harrell, Hopper and Associates to revise the NC Plumbing Code, Section 412.6 as follows:**

**412.6 Trap primers.** The water sealer of floor drain traps shall be maintained in conformance with 1002.4 Trap seals or ~~by an automatic trap primer, drainage from a clear water fixture or~~ other method acceptable to the authority having jurisdiction.

**Exception:** Hose bibbs located in rooms with nonabsorbent floors may be used in lieu of an automatic trap primer.

There were no public comments regarding this item.

**Item C - 2 Request by NC Building Code Council for permanent rule amendment to the 2005 NC Electrical Code, Articles 10.10 Approval, Article 100 Equipment definition.**

**10.10 Approval.** The Authority Having Jurisdiction shall base his approval or disapproval of industrial equipment or industrial machinery by one of the following methods:

(1) Evaluation by a Registered Design Professional registered or licensed in the State of North Carolina. Said Registered Design Professional shall submit a report detailing compliance with applicable national standards (such as ANSI, NEMA, NFPA 79, UL) and the NC Electrical Code.

(2) Listing or Labeling by a Third Party Testing Agency approved pursuant to GS 66-25. Said Third Party Testing Agency shall submit a report detailing compliance with applicable national standards (such as ANSI, NEMA, NFPA 79, UL) and the NC Electrical Code.

(3) Evaluation by a qualified and certified Electrical Code Enforcement Official. Said Code Enforcement Official shall submit a report detailing compliance with applicable national standards (such as ANSI, NEMA, NFPA 79, UL) and the NC Electrical Code.

**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.

There were no public comments regarding this item.

**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 Hearings were held March 13, 2006. The Final Adoption meeting took place on March 14, 2006. 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 NC Building Code Council for permanent rule amendment to the 2005 NC Electrical Code, Articles 10.10 Approval, Article 100 Equipment definition.**

The Electrical Committee met on March 13, 2006 and recommends approval as amended below:

**10.10 Approval.** The Authority Having Jurisdiction shall base his approval or disapproval of industrial equipment or industrial machinery by one of the following methods:

(1) Evaluation by a Registered Design Professional registered or licensed in the State of North Carolina. The Registered Design Professional shall submit a report detailing compliance with applicable national standards and the NC Electrical Code; or

(2) Listing or Labeling by a Third Party Testing Agency approved pursuant to GS 66-25. When Labeling is a result of a Field Evaluation, the Third Party Testing Agency shall submit a report detailing compliance with applicable national standards and the NC Electrical Code; or

(3) Evaluation by a certified Electrical Code Enforcement Official. The Code Enforcement Official shall submit a report detailing compliance with applicable national standards and the NC Electrical Code.

**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.

Al Bass made a motion to adopt this item. Butch Simmons seconded the motion. The motion carried. Tim Reynolds, chairman of Electrical Code Standing Committee, reported that commentary language is currently being written and a definition of the term “equipment” is currently being written.

**Part E - Reports**

**Building Code Council Standing Committee Reports**

**General Construction** (Butch Simmons, chair): No report.

**Electrical** (Tim Reynolds, chair): No report.

**Plumbing** (Al Bass, chair): The last meeting was December 13, 2005. The committee developed proposed code language to allow the installation of partial sprinkler systems in one- and

**Structural** (Tom Avery): No report.

**Special Inspections** (Butch Simmons, chair): Minutes from the last meeting were given to the Council. All meetings are held in Greensboro.

**Ad Hoc Committee reports and Meeting Dates**

(Dates are subject to change. Check our website [www.ncbuildingcode.com](http://www.ncbuildingcode.com)).

<b>Committee</b>	<b>Chairman</b>	<b>Meeting Dates</b>	<b>Items to Discuss</b>
Residential	David Smith	April 3 & 18 May 2 & 16	2006 Residential Code Commentary language

David Smith reported the Residential Code Ad Hoc Committee has completed work on the code language for the 2006 NC Residential Code and has begun work on the commentary language. The Committee has also expressed a desire to begin work on the 2009 NC Residential Code as soon as possible. The Committee has also been dealing with issues regarding the construction of retaining walls.

**Chairman’s Report**

Dan Tingen opened the floor for discussion of the publication dates of the 2006 NC Codes. Butch Simmons stated that an errata could be made later to address any issues with Group R sprinklers. Al Bass made a motion to have NCDOI staff review the procedures regarding publication of desired changes. Alan Perdue seconded the motion. The motion carried.

**Staff Reports**

- **Rules Review Commission meeting update:** The NCDOI staff will compose a letter to address the Rules Review Commission objections to the Temporary Electrical Rule. Mr. Gupton also reminded the Council the Rules Review Commission must have a response from the Council regarding the proposed rule change for sprinklers in Group-R occupancies. Alan Perdue concurred with Mr. Gupton; a response regarding the sprinkler issue is imperative. Diane Miller reported the rule was adopted in September 2005, not December 2005. The date mix-up confused the Rules Review Commission. Chairman Tingen made a request to have the NCDOI staff prepare some comments for a presentation to the Rules Review Commission.
- **Code publication update:** The publishing of the books in a loose-leaf format with a binder or soft-bound volume was discussed. It was stated producing the codes in the soft-bound format would be less costly. The Council decided to produce the 2006 NC Codes in loose-leaf with a binder format. Bob Ruffner made a request for the 2006 International Building Code. Wanda Edwards assured the Council each member would receive a copy of the 2006 IBC.
- **Issues associated with different effective dates for codes and amendments that became effective January 1, 2006:** Barry Gupton addressed the Council regarding the effective dates. Mr. Gupton stated the effective date for all the amendments passed since 2002 Codes became effective was January 1, 2006 and that the changes being made now must have an effective date assigned to them. Chairman Tingen made a request to have the NCDOI staff prepare some comments for a presentation to the Rules Review Commission.

- **2006 NC Codes Effective Date**

Mr. Gupton stated the list of the codes that have been approved to become effective on July 1, 2006 is on the website ([www.ncbuildingcodes.com](http://www.ncbuildingcodes.com)). Wanda Edwards questioned what the effective date for the 2006 Codes would be. Dan Tingen suggested operating under the 2002 and 2006 NC Codes from July 1, 2006 – December 31, 2006. Barry Gupton reminded the Council in the past the designers were given an option of which code they preferred to use. John Hitch expressed concerns with giving an option of which code to use; he recalled the confusion that was created when the 2002 NC Codes, which contained numerous dramatic changes, became effective. Alan Perdue stated that the building permit dates would come into play regarding which code would be adhered to during the transitional period between the two codes. Mr. Hitch made a motion to allow a six month transition period for all 2006 NC Codes, with the exclusion of the Administrative and Residential Codes, from July 1, 2006 – December 31, 2006. The motion was seconded. The motion carried.

- **2006 NC Residential Code**

Barry Gupton explained to the Council the petitions regarding the NC Residential Code that have been issued recently will require a public hearing in June 2006, they will possibly be adopted in September 2006, and will be approved in November or December 2006. Vaughn Wicker, ICC representative, stated the publication department will not allow the code to be published without all the approved changes and three months should be allowed for publication of the code after all changes have been made. Mr. Gupton informed the Council the effective date for the 2006 NC Residential Code could possibly be February or March 2007.

- **USDOJ Certification Recognition Ceremony**

Barry Gupton reported the US Department of Justice met in Cary regarding the NC Accessibility Code and the recognition of its certification in November 2005. Jim Long, NC Commissioner of Insurance and State Fire Marshal, and Chairman Tingen gave speeches at this meeting. Leslie Young, NCSU Center for Universal Design, presented a contribution on behalf of Ron Mace and his efforts to make the buildings constructed in the state of North Carolina accessible to all of its citizens. Jeff Kanner and Laurel Wright, NCDOT staff members, were recognized for their efforts in composing clear code language for the code and for their efforts to see the code through the rules process. Vaughn Wicker reminded the Council that approval of the code by USDOJ does not mean that HUD requirements are being met. Mr. Wicker informed the Council that ICC has a responsibility to train inspectors, architects, etc. regarding the regulations HUD has established and the changes that were incorporated into the NC Accessibility Code. Mr. Wicker also stated USDOJ will not approve the model accessibility code despite the efforts of ICC to work closely with the staff members of both USDOJ and HUD.

**Other Business**

- **Public Interest Project, Inc. Appeal**

Dan Tingen informed the Council of an appeal from the Public Interest Project, Inc. currently taking place in Asheville, North Carolina. This appeal must go through the administrative appeal process. Diane Miller explained the issue to the Council; two historical building owners were disputing property easements. Ms. Miller explained the late Grover Sawyer determined the dispute was not a code issue and NC Department of Insurance did not have jurisdiction in the case. The Public Interest Project, Inc. appealed to NCDOT in 2002. The court determined on October 25, 2005 that an error of law was found with the Building Code Council. Ms. Miller recommends the Council remand it back to NCDOT. A motion was made to remand the appeal back to the staff of NCDOT. The motion was seconded. The motion carried.

- **Bed and Breakfast**

Alan Perdue questioned the Council regarding converting one- and two- family dwellings into a bed and breakfast. Mr. Perdue stated the previous interpretations that have been given are difficult to determine. Al Bass concurred with Mr. Perdue. Dan Tingen requested Mr. Perdue to work in tandem with NCDOT to find a solution.

- **Residential Elevators**

Dan Tingen reported he had attended a meeting with Cherie Berry, NC Commissioner of Labor, regarding the installation and inspection of residential elevators. David Smith questioned where in the code to insert the requirements for residential elevators. Mr.

Smith stated maintenance and inspections of the elevators are issues imperative to consider and offered to review the issues in the Residential Code Ad Hoc Committee. Al Bass stated he felt the Building Code Council was better equipped to deal with the issue considering NCDOL does not deal with residential construction. Bob Ruffner argues NCDOL already has the expertise in dealing with elevators. Butch Simmons suggested having a certificate of inspection stating the elevator was installed properly. Mr. Smith suspects NCDOL does not want to deal with long-term inspections of elevators in residences due to the amount of time the inspectors would have to devote to the extensive inspections. Bob Ruffner reminded the Council elevator inspections fall under the same category as the inspections of ski lifts and amusement rides. Jack Neel suspects the local government agencies will not want to get involved in the inspection process. Alan Perdue reminded the Council of the extensive testing that each elevator requires; large weights are used to test the capacity of the elevators, which would prove cumbersome to transport to each inspection site. Also, inspections for residential elevators would require extensive training for inspectors, most of whom are already facing sizeable workloads with elevators in commercial settings. John Wiggins, UL, addressed the Council regarding the fact NCDOL has an elevator code that is not certified by UL. Tom Turner suggested NCDOL and the Elevator Advisory Committee should work together to find a solution. Mack Nixon made a motion to send this issue to the Residential Code Ad Hoc Committee. Jack Neel seconded the motion. The motion carried.

## **Part F - Appeals**

### **Item F-1     Rose Hill Conference Center, Nash County.**

This appeal was resolved and requires no further action from the Council.

Sincerely,



Wanda Edwards  
Secretary, NC Building Code Council