

Minutes of the North Carolina Building Code Council
June 13, 2006
Raleigh, North Carolina

All members of the North Carolina Building Code Council were present with the exception of Jack Neel and Tim Reynolds.

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 NC Department of Insurance for information and reproduction costs. The next scheduled NC Building Code Council meeting will be held September 11-12, 2006 in Asheville, North Carolina at the Public Works Building, 161 South Charlotte Street, Asheville, NC 28801

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. An evaluation statement for Dan Murray was received from the Board of Ethics.

Item A-2 Approval of minutes of the March 14, 2006 NC Building Code Council Meeting

Dan Tingen asked that the minutes be changed to add wording in his Chairman's Report concerning the Learn and Earn Program which was sent to the Fire Committee so a check list could be developed.

David Smith made a motion to approve the minutes as amended. Barry Maness seconded the motion and the motion carried without dissent.

Item A-3 Request by Danny Garrett, Gaston County for authority to review plans and specifications of buildings using requirements listed in the 2006 NC Administrative Code and Policies.

Mack Nixon made a motion to approve. The motion was seconded and carried without dissent.

Item A-4 Request by Ed Cianfarra, City of Goldsboro, for authority to review plans and specifications of buildings using requirements listed in the 2006 NC Administrative Code and Policies.

Mack Nixon made a motion to approve. The motion was seconded and carried without dissent.

Wanda Edwards requested that a motion be made to allow staff to make determinations as to whether a jurisdiction can be allowed to review plans and specifications of buildings without having the request brought before the Council each time.

Mack Nixon made a motion to allow staff to make such determinations without having Council approval each time. Al Bass seconded the motion and the motion carried without dissent.

Item A-5 Approval of Wyle Laboratories as a third party testing agency.

Ron Chilton, staff, noted that he visited Wyle Labs, FM Approvals and Intertek Labs. He recommended that Wyle Labs be approved for third party testing in North Carolina and that FM Approvals and Intertek Labs' approval categories be expanded. Barry Maness made a motion to approve Wylie Labs, FM Approvals and Intertek Labs for third party testing in North Carolina. The motion was seconded and carried without dissent.

Mr. Chilton advised the Council that the approved testing laboratories in North Carolina will be posted on the NC Department of Insurance website.

Wanda Edwards requested that a motion be made to allow staff to approve third party testing laboratories without having to come before the Council each time. John Hitch made a motion to allow staff to approve third party agencies without Council approval each time. Bob Ruffner seconded the motion and the motion carried without dissent.

Part B – New Petitions for Rulemaking

The following Petition for Rulemaking was introduced on June 13, 2006:

Item B-1 Request by the Special Inspections Ad Hoc Committee to amend the 2006 NC Building Code and Administrative Code requirements for special inspections.

Mr. Ted Partrick proposed the following amendment to the Building Code:

1704 Special Inspections

1704.1 General. Where application is made for construction as described in this section, the owner or the registered design professional in responsible charge acting as the owner's agent shall employ one or more special inspectors to provide inspections during construction on the types of work listed under 1704 per 1704.1.2. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the building official, for inspection of the particular type of construction or operation requiring special inspection. These inspections are in addition to the inspections specified in *NC Administrative Code*.

Exceptions:

- ~~1. Special inspections are not required for work of a minor nature or as warranted by conditions in the jurisdiction as approved by the building official.~~
- ~~2. Special inspections are not required for building components unless the design involves the practice of professional engineering or architecture as defined by applicable state statutes and regulations governing the professional registration and certification of engineers or architects.~~
- ~~3. Unless otherwise required by the building official, special inspections are not required for occupancies in Group R-3 as application in 101.2 and occupancies in Group U that are accessory to a residential occupancy including, but not limited, those listed in 312.1~~

1704.1.1 Building permit requirement. The permit applicant shall submit a statement of special inspections prepared by the registered design professional in responsible charge in accordance with the *NC Administrative Code* as a condition for permit issuance. This statement shall include a complete list of materials and work requiring special inspections by this section, the inspections to be performed and a list of the individuals, approved agencies or firms intended to be retained for conducting such inspections.

1704.1.2 Special Inspections requirement.

Special inspections per Section 1704 are required for building, building components or other structures per the following:

1. Buildings or other structures listed in Table 1604.5 in category II if:
 - a. Building height exceeds 45 feet or three stories, or
 - b. The building is an Underground buildings per 405.1;
2. Buildings or other structures listed in table 1604.5 in categories III or IV;
3. Piles, piers and special foundations;
4. Retaining walls exceeding 5 feet height per 1610.3;
5. Smoke control and smoke exhaust systems;
6. Sprayed fire-resistant materials; or
7. Special case described in 1704.13.

1704.1.2 3. Report requirement. Special inspectors shall keep records of inspections. The special inspector shall furnish inspection reports to the building official, and to the registered design professional in responsible charge. Reports shall indicate that work inspected was done in conformance to approved construction documents. Discrepancies shall be brought to the immediate attention of the contractor for correction. If the discrepancies are not corrected, the discrepancies shall be brought to the attention of the building official and to the registered design professional in responsible charge prior to the completion of that phase of the work. A final report of inspections documenting required special inspections and correction of any discrepancies noted in the inspection shall be submitted periodically at a frequency agreed upon by the permit applicant and the building official prior to the start of work.

Mr. Partrick also proposed the following new section be added to the Administrative Code:

107.5 Special Inspections. Special inspections required by the building code or the building inspector shall be performed by a NC registered design professional or a qualified inspector under their responsible charge.

Butch Simmons requested that these two parts go through the rule making process. Al Bass made a motion to accept the two items. The motion was seconded. Mr. Bass requested that this wording be included in the printing of the code books if the requirements go through the rule making process. The motion carried without dissent.

Part C – Notice of Rulemaking Proceedings and Public Hearing

The following Petitions for Rulemaking have been granted by the Council. The Public Hearing was held June 12, 2006 and the Final Adoption meeting will take place on September 12, 2006.

Item C-1 **Request by Al Bass, NC Building Code Council member, to use proposed language to allow installation of partial sprinkler protection in one-and two-family dwellings.**

614.1 **PARTIAL SPRINKLER PROTECTION IN** **ONE- AND TWO-FAMILY DWELLINGS**

614.1 Partial protection. Nothing herein shall be deemed to prohibit the connection to the domestic water distribution system of a system of one or more fire suppression sprinkler heads in one or more rooms of a one or two family dwelling, nor shall such installation impose additional requirements on said domestic water distribution system with regard to pipe size, water pressure, meter size, monitoring or alarm provided that:

1. The sprinkler heads used are residential fast response type.
2. Each branch feeding one or more sprinkler heads shall be provided with an isolation valve which shall be readily accessible and the function thereof shall be clearly marked.
3. Each isolation valve shall be clearly identified as to function with a tag or other device which shall clearly indicate that the system does not meet the requirements of NFPA 13D.
4. The piping installation and material shall comply with the requirements of the Plumbing Code.

Steve Hensley with the State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors noted his concern with installing sprinkler heads in dwellings. He also noted that whoever installs the sprinkler heads will have to be licensed by the Board of Examiners. Sandi O'Brien concurred with Mr. Hensley and stated that there would be no exemptions to the licensure requirement. Dale Dawson stated that the plumbing

contractors are not trained to install sprinkler systems and the plumbing license is for plumbing only and does not include sprinkler systems.

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

Brian Reading with the APA-The Engineered Wood Association voiced his concern with Section R602. He stated that the structural panel sheathing added to one wall only will reduce the public safety to below what is required nationally. He opposes this requirement and asked the Council to take a closer look at what is being done nationally. Jay Crandell with ARES Consulting spoke in favor of the code change. Scott Cummings with Dow Chemical stated he was concerned with the Foam Plastic section R409.8.2. He stated that the way it is written now will open it up to any foam plastic and recommended that it not be adopted. Dave Lovich had several concerns about the spray foam insulation section which refers back to ASTM E84 which has been deleted. He also stated he was not sure what the intent was concerning foam in contact with the ground – is it allowed or not? He also noted that several parts of section R403.3 have been deleted, along with several figures and wondered what the intent of this section was. Table 703.3 also needs to be looked at more closely.

It was noted that written comments may be submitted to the Department of Insurance until July 14th.

Item C-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. Delete the adopted and approved 2006 NC Fire/Building Code Section 903.2.7 in its entirety and replace with the following:

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout the 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.

There were no comments on 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 June 13, 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 Steven Mayer, Harrell, Hopper and Associates to revise the NC Plumbing Code, Section 412.6 as follows:

412.6 Trap primers. The water seal 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 bibs located in rooms with nonabsorbent floors may be used in lieu of an automatic trap primer.

Alan Perdue reported that the word “code” should be added before the word “authority” and the word “sealer” should be “seal” and the Exception should be deleted. Mr. Perdue made a motion to approve the request as amended. The motion was seconded by Barry Maness. After considerable discussion on whether or not the exception should be deleted, the motion was defeated. Mr. Perdue made a motion to approve the request with the typo corrected. The motion was seconded by Barry Maness and carried without dissent.

Part E – Reports

Building Code Council Standing Committee Reports

Administrative – Dan Tingen reported that Chapter 2 of the Administrative Code was completed and approved for publishing.

Ad Hoc Committee reports and Meeting Dates

Residential Ad Hoc Committee – David Smith reported that the Residential Code commentary will be submitted to the publisher as soon as the Residential Code is adopted, approved and published.

Mr. Smith reported that the Residential Ad Hoc Committee considered the item concerning the installation and inspection of residential elevators. He reported that after reviewing this submittal with several inspectors from various inspection departments, and the Residential Code Ad Hoc Committee members, the best answer seemed to come from the Mecklenburg County Inspections Department. The Committee made some minor changes/additions but basically states the following:

The NC Residential Building Code makes no reference to elevators. Unlike commercial elevators, the NC Department of Labor does not inspect residential elevators. However, the Department of Labor recommends that the installer certify the following conditions:

1. Elevator has been installed according to manufacturer specifications.
2. Elevator meets ANSI/ASME-A17.1, Part 5.
3. Elevator meets current National Electrical Code requirements.

Before a Certificate of Occupancy can be issued, the permit holder must provide the Code Enforcement Official a letter of certification from the elevator installer, evidencing compliance with the above conditions.

Where elevator system components require preventative maintenance for efficient operation, regular maintenance requirements shall be clearly stated and affixed to the component. When an elevator or its components has been serviced, the service provider shall certify that the elevator continues to meet the above conditions.

Mr. Smith requested that this wording be sent to the Residential Code Committee and will come back to the Council for inclusion in the rules making process. Chairman Tingen remanded this item to the Residential Code Committee.

Special Inspections Ad Hoc Committee

Ted Partrick with the City of Greensboro served on this committee and read a list of other members and introduced the ones present at the Council meeting. He reported on the Committee's recommendation (Item B-1).

Valoree Eikinas representing PENC & ACEC/NC and member of the Implementation Subcommittee presented the Council with the Implementation Guidelines proposed Table of Contents. She explained that work is still ongoing and some of the guidelines will be recommendations and some will be explaining required code language. She guessed that their subcommittees work will be completed in September and will come back to the Council for adoption and inclusion on the Department of Insurance's website. Butch Simmons stated he would like the guidelines to be a part of the commentary.

Chairman's Report

Dan Tingen reported that it was time to start the process all over again for the next code cycle. He also reported that the Council supports the acceptance of ICC interpretations by local governments. Jim Bartles asked the Council to check with the NC Code Officials Qualification Board to see what they would require for this to happen. Tim Bradley, Senior Deputy Commissioner of the Department of Insurance and member of the Code Officials Qualification Board stated that DOI has no problem with the proposal to accept ICC's interpretations. He suggested that ICC interpretations should be used as a resource by the inspectors. He mentioned that most cases that come before the Qualification Board are cases of gross negligence and if the inspectors use these interpretations, it will not be grounds for gross negligence.

Staff Reports

Wanda Edwards gave the Legislative Report. She reported that the Immunity Bill was not doing well in committee. She also reported that a bill was introduced where industrial machinery would not be subject to the building code and will be amended to include the CE label. Ms. Edwards also reported that DOI was hopeful that they would receive funding for three engineering positions but that, too, has run into some problems in the budget process and she was not sure if that bill has gone through or not. She also stated that staff is maintaining the 48 hour turnaround time on interpretations. Dan Tingen reminded the Council that when they receive emails from staff requesting their input on interpretations, that they respond in a timely manner.

Barry Gupton gave an update on the code publication schedule. He reported that the codes are starting to be published. The Energy and Gas codes were available May 25, Mechanical on June 16, Plumbing on June 20, Fire on June 28 and Building on June 29. ICC has posted the codes on their store on their website and can be ordered now. Mr. Gupton reported that the Residential Code will be printed around May 1, 2007 with an effective date of July 2007 with a six month's transition. He stated that the commentaries will be 2-3 months behind the print date.

Barry Gupton updated the Council on the schedule for the next edition of the codes. He stated that in order to make the January 1, 2009 effective date, the petitions for rulemaking for all the new codes needs to be completed in September 2007. September 2007 is the drop dead date. The committees should start in the fall of this year and be completed by March 2007.

Barry Gupton presented the Council with two letters for their consideration. The first letter was from Larry Pigg, Director of Public Affairs with Knox Company. The second letter was from the City of Goldsboro Inspection Department concerning rated doors. Dan Tingen responded that these letters would be considered by the appropriate committees.

Other Business

John Hitch has agreed to serve on an Ad Hoc Committee of the ICC and will be attending committee meetings.

There being no further items for discussion, Mack Nixon made a motion to adjourn. The motion was seconded and carried without dissent.

Respectfully submitted,

Wanda Edwards, P. E.
Secretary

2006 NC Building Codes Effective July 1, 2006

The North Carolina Building Codes are constantly under development. A new edition is published periodically to identify the technological advances in the residential and commercial building industries. The 2006 NC Building Codes are the latest in that code development cycle.

On September 13, 2005, the NC Building Code Council adopted the 2006 NC Building Codes. The Codes were approved by the NC Rules Review Commission on November 17, 2005 with a July 1, 2006 effective date. The 2006 North Carolina version of the Building Codes is based on the 2003 International Code Council publications. The 2002 NC Building Codes will remain effective until December 31, 2006 for optional use.

The effective 2006 NC Building Codes include:

1. Building
2. Energy Conservation
3. Fire
4. Fuel Gas
5. Mechanical
6. Plumbing

The 2006 NC Building Codes are published by the International Code Council and may be purchased at:

<http://www.iccsafe.org/e/promo.html?promoid=NCDOI>