

**Minutes of the North Carolina Building Code Council**  
**June 8-9, 2009**  
**Raleigh, NC**

All members of the North Carolina Building Code Council were present for the Meeting with the exception of Ed Moore and Butch Simmons. All members were present for the Work Session and Hearing except Ed Moore and Butch Simmons.

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 14-15, 2009 at the NC Department of Insurance, OSFM, 322 Chapanoke Road, Raleigh, North Carolina, 27603 in the classroom downstairs.

**Part A – Administrative Items**

**Item A – 1 Ethics Statement: Inquire upon conflicts of interest or appearance of conflicts of interest that exist within the Council.**

There were no actual or potential conflicts of interest noted.

**Item A – 2 Approval of minutes of the March 10, 2009 NC Building Code Council Meeting.**

A request was made to strike ‘and to re-submit if desired’ in Items A-4 and A-5 of the March 10, 2009 Minutes.

Motion/Second /Passed – The March 10, 2009 minutes were approved.

**Item A – 3 Letter to Governor Perdue in reference to the American Recovery and Reinvestment Act.**

The Chair informed the Council that the letter was sent to the Governor’s Office.

**Item A – 4 Request by Nick Smith, City of Boiling Springs Lake, to revise its Standards of the Code of Ordinances, Chapter 4, Article III.**

**Sec. 4-122. Compliance.**

(e) All new and remodeled commercial buildings exceeding fifty (50%) of the current tax value of the building and that either exceed 12,000 square feet of building area or that are two or more stories in height shall have an automatic fire sprinkler system.

Motion to hold until September meeting/Second/Passed.

**Item A – 5 Request by Marjorie Meares, to speak to the Council on behalf of Mathis Consulting Company.**

Marjorie Meares spoke to the Council on behalf of Mathis Consulting Company regarding the Energy Code and distributed copies of the 2009 IECC to Council members.

**Item A – 6 Discussion of changing the NCSBC to a 6 year cycle in lieu of 3 years, except for emergency items.**

Motion – Tom Turner/Second – Jack Neel/Passed

Recommendation was made for the Code Format Task Force to report back with Pros/Cons at the September Council meeting.

**Item A – 7 Rules Review Commission Meeting Report**

- Barry Gupton reported that all of the items adopted by the Council in March were approved by Rules Review in May.

- Laurel Wright reported on the transition from the NC Accessibility Code to Chapter 11 and ANSI. Common questions and answers are posted on our website. ANSI will become effective when the 2009 Legislative session adjourns.

Motion/Allow continued use of the NC Accessibility Code through 12/31/09 for transition to Chapter 11 and ANSI/Passed

**Item A – 8 Presentation by Timbersil**

Dan Tingen referred the request and product information to Staff for review and response to Timbersil.

**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 during on or after the September 2009 meeting.

**Item B – 1 Request by John Hitch, AIA, to amend the 2009 NC Building Code. The proposed amendment is as follows:**

2007 ICC Supplement language:

**1007.3 Exit stairways.** In order to be considered part of an accessible means of egress, an exit stairway shall have a clear width of 48 inches (1219 mm) minimum between handrails and shall either incorporate an area of refuge within an enlarged floor-level landing or shall be accessed

from either an area of refuge complying with Section 1007.6 or a horizontal exit.

**Exceptions:**

1. The area of refuge is not required at unenclosed interior exit stairways as permitted by Section 1020.1 in buildings or facilities that are equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
2. The clear width of 48 inches (1219 mm) between handrails is not required at exit stairways in buildings or facilities equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
3. Areas of refuge are not required at exit stairways in buildings or facilities equipped throughout by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
4. The clear width of 48 inches (1219 mm) between handrails is not required for exit stairways accessed from a horizontal exit.
5. Areas of refuge are not required at exit stairways serving open parking garages.
6. Areas of refuge are not required for smoke protected seating areas complying with Section 1025.6.2.
7. The areas of refuge are not required in Group R-2 occupancies.

Motion – Al Bass/Second/Passed – The Petition was granted unanimously.

**Item B – 2 Request by Kent Halstead, to amend the 2009 NC Building Code. The proposed amendment is as follows:**

For 2009 North Carolina Building Code, insert the following 1503.2.2 **Overhangs and Drip edge flashing** between Code 1503.2.1 **Locations** and 1503.3 **Coping**.

**1503.2.2 Overhangs and Drip edge flashing**

Overhangs should be at least 12 inches wide. Drip edge flashing should be installed at the roof edge to keep water from wicking back under the shingles.

(Additional details may be added as technical studies of North Carolina related to drip edge may dictate. See, for example additions, Florida 1507.2.9.3.)

Motion – Bob Ruffner/Second – Ralph Euchner/Denied – The Petition was denied.

**Item B – 3 Request by Tom Hunter, Jr., to amend the 2009 NC Building Code and the 2009 NC Fire Code. The proposed amendment is as follows:**

**Amend the 2009 NC State Building Code as follows:**

**Section 202. Add the following definition:**

**Cooperative Innovative High School Program.** A program in excess of the required curriculum for high school students in attendance at a college, community college or university.

**Section 304.1. Add the following to the list of Group B occupancies:**

Education occupancies for high school students participating in Cooperative Innovative High School Programs taught at colleges, community colleges or universities.

**Section 305.1. Amend by adding the following underlined text:**

**305.1 Educational Group E.** Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12<sup>th</sup> grade. Religious educational rooms and religious auditoriums, which are accessory to places of religious worship in accordance with Section 508.3.1 and have occupant loads of less than 100, shall be classified as A-3 occupancies. Education occupancies for high school students participating in Cooperative Innovative High School Programs taught at colleges, community colleges or universities shall be classified as Group B occupancies.

**Amend the 2009 NC State Fire Code as follows:**

**Amend Ch. 2 definitions by including the first two changes above.**

**Section 202. Add the following definition:**

**Cooperative Innovative High School Program.** A program in excess of the required curriculum for high school students in attendance at a college, community college or university.

**Section 304.1. Add the following to the list of Group B occupancies:**

Education occupancies for high school students participating in Cooperative Innovative High School Programs taught at colleges, community colleges or universities.

**Amend Table 405.2 as follows:**

**TABLE 405.2  
FIRE AND EVACUATION DRILL  
FREQUENCY AND PARTICIPATION**

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group Bc	Annually	Employees
<u>Group Be</u>	<u>Quarterly</u>	<u>All occupants</u>
Group E	Monthly	All occupants
Group I	Quarterly on each shift	Employees
Group R-1	Quarterly on each shift	Employees
Group R-2d	Four annually	All occupants
Group R-4	Quarterly on each shift	Employees
High-rise buildings	Annually	Employees

- a. The frequency shall be allowed to be modified in accordance with Section 408.3.2.
- b. Fire and evacuation drills in residential care assisted living facilities shall include complete evacuation of the premises in accordance with Section 408.10.5. Where occupants receive habilitation or rehabilitation training, fire prevention and fire safety practices shall be included as part of the training program.
- c. Group B buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.
- d. Applicable to Group R-2 college and university buildings in accordance with Section 408.3.
- e. Cooperative Innovative High School Programs taught at colleges, community colleges or universities when required to have a fire alarm system in accordance with Section 907.2.2 or as required in accordance with Section 404.2.

Motion – Alan Perdue/Second/Passed – The Petition was granted unanimously and was referred to the Joint Building/Fire Committee for review.

**Item B – 4 Request by Robert Wydra, with A Safe Child, to amend the 2009 NC Residential Code. The proposed amendment is as follows:**

**Add a new AG105.2 Item 9.3:**

9.3 Mesh pool fencing that complies with ASTM F2286-05.

Change current ~~9.3~~ to 9.4 and last line to “9.1, 9.2 or 9.3 described above”.

\*Gives homeowners with pools another option for barrier protection when walls of a dwelling are part of the required barrier. This will prevent having to place alarms on doors or retractable safety cover over pool area but will provide an equal level of prescriptive protection. This only applies to wall applications (with openings) that are being used as part of the barrier, not the barrier required around a yard.

Motion – David Smith/Second/Denied – The Petition was denied.

**Item B – 5 Request by John A. Hyman, to amend the 2006 NC Rehabilitation Code. The proposed amendment is as follows:  
Add footnote to Table C Change of Use**

- a. When change of use is Daycare using Occupancy E as an Exception, the following requirements in 1.31.c.2 shall be included.

Motion – David Smith/Second/Denied – The Petition was denied.

**Item B – 6 Request by Michael G. Huslage, AIA, to amend the 2009 NC Administrative Code. The proposed amendment is as follows:**

**APPENDIX F**

- A standard new form required for all projects stating Special Inspections are (or are not) required for all projects in North Carolina.
- [www.meck-si.com](http://www.meck-si.com) “Statement and Schedule of Special Inspections Form” may serve as an initial version of “Appendix F” (Copy attached)

Motion – John Hitch/Second – Cindy Browning/Denied – The Petition was denied.

**Item B – 7 Request by Lon McSwain, Mecklenberg County, to amend the 2009 NC Building Code. The proposed amendment is as follows:**

**ASCE/SEI**

- 7/05** Minimum Design Loads for Buildings and Other Structures Including Supplement No. 1 and Supplement No. 2 and excluding Chapter 14 and Appendix 11A...

Motion – Steve Knight/Second/Passed – The Petition was granted unanimously and was referred to the Building Committee for review.

**Item B – 8 Request by Alan Perdue, Building Code Council, to amend the 2009 NC Fire Code. The proposed amendment is as follows:**

**3308.11 Retail display and sale.** ~~Fireworks displayed for retail sale shall not be made readily accessible to the public~~ allowed by NC General Statute 14-414 shall be permitted to be sold, used or possessed without a permit. A minimum of one pressurized-water portable fire extinguisher complying with Section 906 shall be located not more than 15 feet (4572 mm) and not less than 10 feet (3048 mm) from the hazard. “No Smoking” signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale. No sale of fireworks shall be made to persons less than 16 years of age (N.C.G.S. 14-410)

Motion – Alan Perdue/Second/Passed – The Petition was granted unanimously.

**Item B – 9 Request by Al Bass, Building Code Council, to amend the 2009 NC Energy Conservation Code. The proposed amendment is as follows:**

**503.2.8 Piping insulation.** All piping serving as part of a heating or cooling system shall be thermally insulated in accordance with Table 503.2.8.

**Exceptions:**

(no change to exceptions 1 through 4)

5. Refrigerant piping installed within the thermal envelope of the building.

Motion – Al Bass/Second/Passed – The Petition was granted unanimously.

**Item B-10 Request by David Smith, Building Code Council, to amend the 2009 NC Residential Code. The proposed amendment is as follows:**

**Option #1 (sections will be renumbered):**

**R313.1.1 Carbon monoxide alarms.** In new construction, dwelling units within which fuel-fired appliances are installed or have attached garages shall be provided with an approved carbon monoxide alarm installed outside of each separate sleeping area in the immediate vicinity of the bedroom(s).

**R313.1.2 Where required-existing dwellings.** In existing dwellings within which fuel-fired appliances exist or have attached garages, where interior alterations, repairs, fuel-fired appliance replacements or additions work requiring a permit occurs, or where one or more sleeping rooms are added or created, carbon monoxide alarms shall be provided in accordance with Section 313.1.1.

**R313.1.3 Alarm requirements.** The required carbon monoxide alarms shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Single station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this code and the manufacturer’s installation instructions.

Motion – David Smith/Second/Passed – The Petition was granted unanimously.

**Item B-11 Request by David Smith, Building Code Council, to amend the 2009 NC Residential Code. The proposed amendment is as follows:**

**Option #2 (sections will be renumbered):**

**R313.1.1 Carbon monoxide alarms.** In new construction, dwelling units shall be provided with an approved carbon monoxide alarm

installed outside of each separate sleeping area in the immediate vicinity of the bedroom(s).

**R313.1.2 Where required-existing dwellings.** In existing dwellings, where interior alterations, repairs, fuel-fired appliance replacements or additions work requiring a permit occurs, or where one or more sleeping rooms are added or created, carbon monoxide alarms shall be provided in accordance with Section 313.1.1.

**R313.1.3 Alarm requirements.** The required carbon monoxide alarms shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Single station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this code and the manufacturer's installation instructions.

Motion – David Smith/Second/Passed – The Petition was granted unanimously.

**Item B-12 Request by David Smith, Building Code Council, to amend the 2009 NC Residential Code. The proposed amendment is as follows:**

**R313.2.1 Alterations, repairs and additions.** When alterations, repairs and additions requiring a building permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be equipped with smoke alarms located as required for new dwellings; the smoke alarms shall be interconnected and hard wired.

**Exceptions:**

1. Interconnection and hard-wiring of smoke alarms in existing areas shall not be required where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure; ~~unless there is an attic, crawl space or basement available which could provide access for hard wiring and interconnection without the removal of interior finishes.~~ Smoke alarm locations are required per Section R313.2, but may be battery powered and shall be designed to emit a recurring signal when batteries are low and need to be replaced.
2. (no change to exception 2)

Motion – David Smith/Second/Passed – The Petition was granted unanimously.

**Item B-13 Request by David Smith, Building Code Council, to amend the 2009 NC Residential Code. The proposed amendment is as follows:**

**SECTION R614**  
**SIDE HINGE AND GARAGE DOORS**

**R614.1 Side hinge and garage doors.** Exterior side hinge doors and garage doors shall have a structural design pressure rating as required

by Table R301.2(4) or Section 4402. These doors are not required to be rated for water resistance nor air infiltration.

**R614.2 Door mounting.** Wall framing around exterior doors shall be adequate to hold the door in place. The door manufacturer's installation instructions shall specify the proper anchorage required to enable the door to resist the required design pressure.

Motion – David Smith/Second/Passed – The Petition was granted unanimously.

### **Part C – Notice of Rulemaking Proceedings and Public Hearing**

The following Petitions for Rulemaking have been granted by the Council. Notice of Rulemaking proceedings has been made. The Public Hearing was held on June 8, 2009 and the Final Adoption meeting may take place on or after September 15, 2009.

#### **Item C – 1 Request by Lon McSwain, to amend the 2009 NC Building Code. The proposed amendment is as follows:**

**1009.11 Stairway to roof.** In buildings located four or more stories in height above grade plane, one stairway shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in 12 units horizontal (33 percent slope). In buildings without an occupied roof, access to the roof from the top story shall be permitted to be by an alternating tread device or a ships ladder meeting the following, a pitch of 60 to 75 degrees, width of 30" to the outside of the handrails, tread depth of 5 3/16", riser height of 9 1/2" to 12", 1 1/4" pipe handrail. The height between the top landing of the stair and the roof shall not exceed 20'-0".

Lon McSwain, with Mecklenburg County, recommends the Council adopt this code change.

#### **Item C – 2 Request by Jeff Soechting, Ward Manufacturing, Inc., to amend the 2009 NC Fuel Gas Code. The proposed amendment is as follows:**

**310.2 CSST Gas piping systems shall be bonded to the electrical service grounding electrode system at the point where the gas service enters the building. The bonding jumper shall not be smaller than 6 AWG copper wire or equivalent.**

Jeff Soechting, with Ward Manufacturing, Inc., recommends the Council adopt this code change.

David Iglar, with Ward Manufacturing, Inc., recommends the Council adopt this code change.

Bob Corbin, with Cutting Edge Solutions, LLC, recommends the Council adopt this code change.

Gerald Harvell, with Keeping Current, LLC, /opposes the code change.

**Item C – 3 Request by David Gardner, City of Charlotte, to amend the 2009 NC Fire and Building Code. The proposed amendment is as follows:**

**[F] 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~~ new adult and child care facilities in existing Groups R-3 and R-4 occupancies.

There were no comments from the public 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 10, 2009. The Final Adoption meeting took place on June 9, 2009. 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 Al Bass, on behalf of the Plumbing Ad-Hoc Committee, to amend the 2009 NC Plumbing Code. The proposed amendment is as follows:**

**901.2.1 Venting required.** Every trap and trapped fixture shall be vented in accordance with one of the venting methods specified in this chapter. All fixtures discharging downstream from a water closet shall be individually vented except as provided in Section 911.

Motion – Al Bass/Second – Paula Strickland/Approved – The motion was adopted unanimously.

**Item D – 2 Request by Al Bass, on behalf of the Plumbing Ad-Hoc Committee, to amend the 2009 NC Plumbing Code. The proposed amendment is as follows:**

**DELETE:**

**SECTION C103**

**SUBSURFACE LANDSCAPE IRRIGATION SYSTEMS**

**DELETE:**

**FIGURE 1**

**GRAY WATER RECYCLING SYSTEM FOR SUBSURFACE LANDSCAPE IRRIGATION**

Motion – Al Bass/Second/Approved – The motion was adopted unanimously.

**Item D – 3 Request by Dan Tingen, Chair, to amend the 2008 NC Electrical Code. The proposed amendment is as follows:**

**210.12 Arc-Fault Circuit-Interrupter Protection. (AFCI)**

**(B) Dwelling Units:** All 125-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit ~~family rooms, dining rooms, living rooms, parlors, libraries, dens,~~ bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by a listed arc-fault circuit interrupter, combination-type installed to provide protection of the branch circuit.

Item was held until the September Council Meeting.

**Item D – 4 Request by Danny Hair, City of Raleigh, to amend the 2008 NC Electrical Code. The proposed amendment is as follows:**

**(Add an exception to section 338.10(A)(4)(a) of the 2008 NC Electrical Code)**

**(4) Installation Methods for Branch Circuits and Feeders.**

(a) Interior Installations. In addition to the provisions of this article, Type SE service-entrance cable used for interior wiring shall comply with the installation requirements of Part II of Article 334.

**Exception:** Type SE service-entrance cable not installed within framing member with thermal insulation or areas that may be insulated in the future, shall not be required to comply with the 60 degree C ampacity limitation in section 334.80.

Motion – Kim Reitterer/Second – Cindy Browning/Disapproved – The Petition was denied.

**Item D – 5 Request by New Hanover County Code Enforcement, to amend the 2008 NC Electrical Code. The proposed amendment is as follows:**

**338.10 (B)(4)(a)**

Interior installations. In addition to the provisions of this article, Type SE service-entrance cable used for interior wiring shall comply with the installation requirements of Part II of Article 334, excluding 334.80.

Motion – Kim Reitterer/Second – Al Bass/Disapproved – The Petition was denied.

**Part E – Reports**

**Chairman’s Report**

- Dan Tingen, Chair, discussed a letter from Governor Perdue, highlighting the requirements of North Carolina for open meetings and the fact that we have an open meeting law. It encourages the Council and Committees to be transparent and to be open to the public in all of its deliberations.

- Dan Tingen discussed that the Council will get paid Per Diem but not for the travel expenses when meetings are held.
- The Chair will appoint Ad Hoc Committees and get with the Chairmen of the respective Standing Committees and look to them for participation, and will ask that these Committees begin their work on the code changes.
- Dan Tingen handed out and discussed guidelines for the Ad Hoc Committee work.

Motion to accept the Ad Hoc Committee guidelines with changes – Al Bass/Second – David Smith/Approved

\*Please see attachment for the updated Guidelines for Ad Hoc Committees\*

### **Ad Hoc Committee Reports**

- Tom Turner announced that the Energy Ad Hoc Committee, along with Mathis Consulting Company, will provide the Council with changes that wish to be made, by the September meeting.

### **Standing Committee Reports**

- Alan Perdue announced the Fire Committee meeting immediately following the Work Session on September 14, 2009.
- Steve Knight announced the Structural Committee will meet immediately following the Work Session on September 14, 2009.
- David Smith reported that the Residential Standing Committee met and discussed Items B-8, B-9, and B-10.
- John Hitch reported that the General Construction Committee met and discussed Items B-8, B-9, and B-10.
- Kim Reitterer reported that the Electrical Committee met and discussed Items B-8, B-9, and B-10.

### **Staff Reports**

- Chris Noles reminded the Council that they will be paid only Per Diem for this meeting.
- Chris Noles made the Council aware of the status of House Bill 221.
- Chris Noles reported that the ICC memberships for the Building Code Council have been suspended and not renewed. He will renew the membership for the board once allowed.
- Chris Noles announced that the next Building Code Council meeting will be held on September 14-15, 2009 in the downstairs classroom of the Chapanoke office. The work session will begin at 10:00am on Monday, September 14<sup>th</sup> and the BCC meeting will begin at 9:00am on Tuesday, September 15<sup>th</sup>.

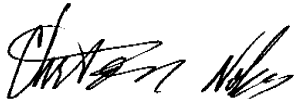
**Public Comments**

There were no additional comments from the public.

**Part F – Appeals**

No appeals were heard at this meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian Noles". The signature is written in a cursive style with a large initial "C" and "N".

Christian Noles, P.E.  
Secretary, NC Building Code Council

# **Guidelines for Ad Hoc Committees**

(2009 Administrative Code, Section 202.8.2)

1. Ad Hoc committee is asked to approach its code review with the idea of producing a newly amended code with as few changes from the 2009 ICC as the committee deems practicable.
2. Current Code shall be considered base line for code comparison.
3. Ad Hoc committee is asked to provide a list of major changes to the Standing Committee and Council for review.
4. If code changes are thought to be controversial, it is suggested that the Ad Hoc committee consider handling such items as separate stand alone code changes.
5. Ad Hoc committees shall submit its report to the appropriate Standing Committee for review.
6. After its review, the Standing Committee is asked to make a recommendation to the Building Code Council for adoption.