

Minutes of the North Carolina Building Code Council
December 11 - 12, 2006
Raleigh, NC

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

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 March 12-13, 2007 at the Washington, NC Civic Center, 110 N. Gladden Street, Washington, NC 27889.

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 actual or potential conflicts of interest noted.

Item A – 2 Approval of minutes of the September 12, 2006 NC Building Code Council Meeting.

Motion/Second/Passed – The September 12, 2006 minutes were approved with no amendments.

Item A – 3 Ethics Liaison – In accordance with the attached session law, each board needs to assign a member of their committee to work as a liaison between their board and the ethic’s commission.

Dan Tingen volunteered to act as the ethics liaison.

Item A – 4 Request by Ricky Blackmon, Town of Holly Springs, for authority to review plans and specifications of buildings using requirements listed in the NC Administration and Enforcement Code.

Barry Gupton reported on staff approval of this item. There is no action needed. Mack Nixon requested that items such as these that require no action be included on the agenda but not addressed during the meetings.

Item A – 5 Hillsborough request for adoption of ordinance article 1 interference with fire fighting activities; article 2 fire prevention; article 3 miscellaneous.

Barry Gupton reported on staff approval of this item. There is no action required on this item.

Item A – 6 Carrboro request for adoption of the current fire code with additional ordinances.

Barry Gupton was reading through the requirements and it appears that they are changing the building code definition of a building. Barry needs to speak with Carrboro for clarification on this request. This item was suspended to have on the next agenda.

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 March 12, 2007.

Item B – 1 Request by Lon McSwain, to amend the 2006 NC Building and Fire Codes to address opening limitations. The proposed amendment is as follows:

1012.3 Opening Limitations. Open guards shall have ballisters or ornamental patterns such that a 4-inch-diameter (102mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm) from a height of 34 inches (864mm) to 42 inches (1067mm) above the adjacent walking surfaces, a sphere 8 inches (203mm) in diameter shall not pass. A bottom rail or curb shall be provided that will reject the passage of a 2 inch (51mm) diameter sphere.

Lon McSwain stated that this proposal was brought forward by the Field Inspectors about an unforeseen amount of high rise residential.

Motion/Second/Passed – The petition was granted and forwarded to the Building Committee.

Item B – 2 Request by Terry Hatcher, Department of Health and Human Services Division of Child Development, to amend the 2006 NC Building and Fire Codes, Section 907.2.3. The proposed amendment is as follows:

Exceptions:

1. Group E occupancies with an occupant load of less than 50, unless the occupancy is a child care center licensed by the Division of Child Development in the Department of Health and Human Services.

No discussion.

Motion/Second/Passed - The petition was granted and forwarded to the Fire Committee.

Item B – 3 Request by John Hitch, AIA, Smith Sinnett Architecture to amend the 2006 NC Plumbing Code, Sections 403.2 and 405.3.2 to permit K-12 lavatories in corridors.

John Hitch handed out an opposed petition to rulemaking B-3 that is a substitute to what was previously submitted. The wording in agenda was incorrect they do not want the lavatories *in* the corridor but want them to be seen from the corridor. John asked Roger Ballard to give a statement.

Roger Ballard with the Department of Public Instruction spoke to approve the petition. He passed out a letter and read it to the council. The letter addressed the reasons he felt the change would be beneficial.

Motion/Second/Passed – The petition was Granted and forwarded to the Plumbing Committee.

Item B – 4 Request by David Smith/Barry Gupton, Residential Ad Hoc Committee, to amend the 2006 NC Residential Code, Figure R403.1(1), Section R403.1.4, Table R403.1. The proposed amendment is as follows:

Figure R403.1(1), Note 1 – Foundation shall extend not less than 12-inches below the ~~finished~~ natural grade or engineered fill and in no case less than the frost line depth.

Section R403.1.4 Minimum depth. All exterior footings and foundation systems shall extend below the frost line specified in Table R301.2(1). In no case shall the bottom of the exterior foot be less than 12 inches below ~~finish~~ natural grade or engineered fill.

Exception: Frost protected footings constructed in accordance with Section R403.3 and foots and foundations erected on solid rock shall not be required to extend below the frost line.

In Seismic Design Categories D₁ and D₂, interior foots supporting bearing walls or bracing walls and cast monolithically with a slab on grade shall extend to a depth of not less than 18 inches (457mm) below the top of the slab.

Table R403.1 – In 1,500 and 2,000-psf columns, change all values 12 and 15-inch widths to 16-inch.

Add Footnote: A minimum footing width of 12 inches is acceptable for monolithic slab foundations.

David Smith stated that they were making a request to go back to the same footing, width and depth that are in the 2002 code.

Motion/Second/Passed – The Petition was Granted.

Item B – 5 Request by Wayne Hamilton to amend the 2006 NC Building and Fire Codes to address Alarm activations. The proposed amendment is as follows:

401.3.2 Alarm activations. Upon activation of a fire alarm signal, employees or staff shall immediately notify the fire department and shall immediately implement their approved fire safety and evacuation plan.

Wayne Hamilton spoke on why he supported approval of items B-5 and B-6.

Motion/Second/Passed – The Petition was Granted and forwarded to the Fire Committee.

Item B – 6 Request by Wayne Hamilton to amend the 2006 NC Building and Fire Codes, Section 404.2. The proposed amendment is as follows:

404.2 Where required.

An approved fire safety and evacuation plan shall be prepared and maintained for the following occupancies and buildings.

(Add additional item 12 as below:)

12. Other occupancy Groups having a fire alarm system shall have an approved evacuation plan.

Motion/Second/Passed – The Petition was Granted and forwarded to the Fire Committee.

Item B – 7 Request by David Smith, Residential Ad Hoc Committee, to amend the 2006 NC Residential Code, Section R323. The proposed amendment is as follows:

SECTION R323

ELEVATORS AND PLATFORM LIFTS

R323.1 Elevators. Where provided, passenger elevators, ~~limited use/limited application elevators~~ or private residence elevators shall comply with ASME A17.1.

~~R323.1.1 Car doors and gates. Car doors and gates are required. They shall protect the entire care entrance and be constructed of solid, non-perforated material. Scissor gates are prohibited. The distance between the hoistway enclosure opposite the care entrance and the care gate shall not exceed 5 inches.~~

R323.2 Platform lifts. Where provided, platform lifts shall comply with ASME A18.1.

~~R323.3 Accessibility. Elevators or platform lifts that are part of an accessible route required by Chapter 11 Section 1.4 of the *International Building Code NC Accessibility Code* shall comply with ICC A117.1.~~

R323.4 Certification. The installer shall certify that the following conditions have been met.

1. The elevator or platform lift has been installed in accordance with the manufacturer's installation instructions.
2. The elevator meets the requirements of ASME A17.1, Part 5.
3. The platform lift meets the requirements of the NC Electrical Code. Before a Certificate of Occupancy is issued, the permit holder shall provide the Code Enforcement Official a letter of certification from the installer, evidencing compliance with the above conditions. Any maintenance requirements required by the manufacturer shall be clearly stated and affixed to the component. When an elevator or platform lift or its components has been serviced, the service provider shall certify that the elevator continues to meet the above conditions.

David Smith stated that this was a new proposal for residential elevators. This item has gone through the residential committee.

Motion/Second/Passed – The Petition was Granted.

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 December 11, 2006 and the Final Adoption meeting will take place on or after March 13, 2007.

Item C – 1 Request by John Hitch, NCBCC, to amend the 2006 NC Building and Fire Codes, Section 903.2.1.2, condition 2 from “100” to “300” occupants.

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5 m²).
2. The fire area has an occupant load of ~~400~~ 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

Paul Kapp was representing the AIA NC Code Committee. Paul read a prepared statement in support of the code change to Section 903.2.1.2.

Wayne Hamilton, Fire Marshal for the City of Asheville and represented by the ACC of Asheville and NC Fire Service Fire Code Revision Committee. Wayne recommended that the council deny approval of this code.

Bart Massey, Fire Marshal for the City of Charlotte, spoke out again approval. Bart felt that if this item was left as is there would be better protection not only for the citizens of NC but for the fire fighters.

Lon McSwain of Mecklenburg County disapproved of the code change.

Frank Blackley, Fire Marshal of Wilmington and First Vice President of the NC Fire Marshal's Association agreed with the previous speakers' and disagrees with the changes in Item C-1.

Item C – 2 Request by Wallace Cole, Winston-Salem Inspections to amend the 2006 NC Plumbing Code, Section 417.5.2 to delete the requirement to slope the shower liner.

417.5.2 Shower lining. Floors under shower compartments, except where prefabricated receptors have been provided, shall be lined and made water tight utilizing material complying with Sections 417.5.2.1 through 417.5.2.4. Such liners shall turn up on all sides at least 2 inches (51 mm) above the finished threshold level. Liners shall be recessed and fastened to an approved backing so as not to occupy the space required for wall covering, and shall not be nailed or perforated at any point less than 1 inch (25.4 mm) above the finished threshold. Liners shall be ~~pitched one-fourth unit vertical in 12 units horizontal (2 percent slope) and shall be sloped toward the fixture drains and~~ be securely fastened to the waste outlet at the seepage entrance, making a water-tight joint between the liner and the outlet.

Exception: Floor surfaces under shower heads provided for rinsing laid directly on the ground are not required to comply with this section.

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 September 11, 2006. The Final Adoption meeting took place on December 12, 2006. The Council will give no further consideration to Petitions that are disapproved. Petitions that are approved will proceed through the Rulemaking process.

Part D – 1 Request by the Special Inspections Ad Hoc Committee to amend the 2006 NC Building Code and Administrative Code requirements for special inspections.

**2006 NC Building Code
1704 Special Inspections**

1704.1 General. Where application is made for construction as described in this section, ~~the building official, at the official's discretion, may require~~ the owner to 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 Section 1704

per Section 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 the *North Carolina Administrative Code and Policies*.

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 Section 106.1 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.

1704.1.3 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.

**2006 NC Administrative Code
107.5 Special Inspections**

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.

Motion/Second/Passed – The Petition was Adopted with a 3/1/2007 effective date. Subject to approval by the Rules Review Commission.

Part E – Reports

Building Code Council Standing Committees

- Alan Perdue requested that the Fire Committee be prepared to meet after the March 2007 work session.
- David Smith reported that the Residential Committee met on November 6, 2006 and will have their next meeting on Monday, February 5, 2007.

Fire Committee - ISO Concern – Alan Perdue expressed concern over the ISO building code efficiency grade and the NC Building Code

Alan Perdue stated ISO is coming into jurisdiction for their 5 year renewal process. They started in Guilford County/Greensboro area. They stated that they would be losing points simply because of the way the state adopted the code and not adopting the ICC Code. He was asked to make the council aware of this issue to see what direction we can get. Part of this stemmed from some discussion the BCC had at the Wrightsville Beach meeting about the wind born debris and some requirements that council chose not to put into the code.

Walter Simmons would like to know where the Department of Insurance stands as far as this ISO concern. He wants to know if this ever going to mean a monetary change in premiums.

Tim Bradley stated that this was not a Department of Insurance issue. The Rate Bureau of NC works with ISO to rate local communities for risk assessment on buildings. Tim Bradley's recommendation was if BCC would like more information that they contact Tim Lucas from the Rate Bureau to make a presentation on how they use ISO in preparing their rates.

Walter Simmons requested that we contact the Rate Bureau and ask that they come in and talk to the Building Code Council at the next meeting and explain to us what this means so that people have something more definitive to take back to their jurisdiction.

Dan Tingen asked Christian Noles to contact Tim Lucas with the Rate Bureau to see if they can attend the next meeting.

Chairman's Report

- Dan Tingen mentioned that he will appoint the remaining Ad Hoc committees by the end of the year to keep them on schedule with the adoption schedule that was laid out.
- Dan Tingen asked Christian Noles if he would speak about the rehab code questions that he had for him. Chris reported that he had spoken with Suzanne Taylor to find out how many questions she has received about the rehab code. Suzanne stated that since the adoption of the rehab code she had only had about 6 questions. Dan asked if we had given any interest into statewide training. Chris stated that the staff is overworked and that he could not justify sending staff out to start training in a code that's not being used. Dan Tingen asked Jim Bartl to speak on how we might initiate statewide training.

Jim Bartl spoke and gave his training recommendations and stated that he would send something that suggests training.

Walter Simmons stated that he sees training as a tool and feels the code are being used quietly in more jurisdictions than we think. Walter asked Ted Partrick to say a few words.

Ted Partrick from Greensboro stated that he felt training would be beneficial.

Walter Simmons asked Ed Cianfarro if he could say a few words.

Ed Cianfarro, Chairs the Educational Committee for NCBA. Dan Tingen asked Ed if this was something that NCBA could fold into future training. Ed stated that NCBA does winter code seminars the last weeks of January, February and March. He felt that they could incorporate rehab training into their seminars through their association and that this would be a good addition. He suggested utilizing Bucky Frye from Winston-Salem as this is who his staff contacts with questions.

Staff Report

- Christian Noles reported on the listserv email set up. Anyone can sign up their email address and we will forward new information as we get it.
- Christian Noles reported that ICC staff was coming to the Chapanoke building to give training on December 13-14, 2006. ICC has also been asked to come in and do a task analysis of our exams.
- Barry Gupton spoke on the continuation of rules review report. There were three rules that went through, one on sprinkler objection, one on partial sprinkler protection and the 2006 Residential Code with one issue (the definition of accepted engineering practice).
- Robert Roegner gave a report on the commentary. All have been submitted to the representative of ICC. They have finished part of the Energy Code and are currently working on the Building Code.

Other Report

- Alan Perdue brought up Section 903.2.7 regarding sprinklers to discuss again. Alan did some research and in the March meeting the Building Code Council had talked about implementing an emergency rule on this item. He was not sure why this did not happen as it was discussed and wanted to have this item corrected. Barry Gupton gave a handout to the Building Code Council. The top portion is requalified 2002 language that fits into the numbering format of the 2006 code. This is what was adopted and will take effect the 1st of the year. The bottom portion is what is printed in the book. Dan Tingen asked what Barry was suggesting the council do with the top portion. Barry stated that in the minutes of this meeting we need to send this information to the inspection department so they can insert this in place of Section 903.2.7.

Motion/Second/Passed – The motion was granted to insert the below item in place of 903.2.7

Christian Noles is going to write a formal interpretation to address the language that should be in the code currently. We will no longer be addressing the language in the 2006 903.2.7 but we will identify to code officials that the older language in 2002 continues to be enforced. Chris will also identify any other changes directly affected by this modification in his interpretation.

Part F – Appeals

The Council continued the Z. F. Lemforder appeal in conjunction with this meeting.

Sincerely,

Christain Noles, PE
Secretary, NC Building Code Council