

Minutes of the North Carolina Building Code Council
March 12-13, 2007
Washington, NC

All members of the North Carolina Building Code Council were present with the exception of Lon Culbertson, Bradley Lail 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 June 11-12, 2007 at the McKimmon Conference & Training Center, 1101 Gorman Street, Raleigh, NC 27606.

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 December 12, 2006 NC Building Code Council Meeting.

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

Item A – 3 Carrboro Request for adoption of the current fire code with additional ordinances.

Motion/Second/Passed – This item was approved unanimously.

Item A – 4 Resolution in Memorium to Thomas Avery, PE for Service on The NC Building Code Council

Motion/Second/Passed – This item was approved unanimously.

Item A – 5 Request by R. Keith Morton, City of Gastonia, for authority to review plans and specifications of buildings using requirements listed in the NC Administration and Enforcement Code. (Approved by Staff)

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

Item A – 6 Request by Susan Mellott, City of Hillsborough, for authority to review plans and specifications of buildings using requirements listed in the NC Administration and Enforcement Code. (Approved by Staff)

There is no action required on this item.

Item A – 7 Add Curtis-Strauss, LLC to the list for the Approved Third Party Testing Agencies for Electrical and Mechanical Equipment. (Approved by Staff)

There is no action required on this item.

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 11, 2007.

Item B – 1 Request by John Mooring, to amend the 2006 NC Residential Code for One and Two Family Dwellings to address R404.4.7.2.

This petition was withdrawn, there is no action required on this item.

Item B – 2 Request by Dan Tingen, Chairman, to amend the 2002 NC Residential Code to address R302.1. The proposed amendment is as follows:

Exception:

1. Tool and Storage sheds, playhouses and similar structures exempted from permits by Chapter 1 are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
2. In Townhouse construction (3 or more attached dwellings) non combustible soffit material, not including aluminum, shall be used and shall be securely attached to framing members or shall have a 1 hour fire rating as required by code. Vented noncombustible soffit shall be permitted.

This item was presented as an emergency temporary rule by Chairman, Dan Tingen. Motion/Second/Passed – This Petition was Granted unanimously.

Dan Tingen also requested that the committee make a motion to make this a Permanent Rule. Motion/Second/Passed – This Petition was Granted unanimously.

Item B – 3 Request by Wayne Hamilton, to amend the 2006 NC Building and Fire Codes, Section 905.2. The proposed amendment is as follows:

905.2 Installation standards. Standpipe systems shall be installed in accordance with this section and NFPA 14.

~~**Exception:** In other than high rise buildings, where buildings are sprinklered in accordance with Section 903.3.1.1, the water supply is not required to meet the higher pressures required for a standpipe system.~~

Motion/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 March 12, 2007 and the Final Adoption meeting will take place on or after June 12, 2007.

Item C – 1 Request by Lon McSwain, Mecklenburg County, to amend the 2006 NC Building and Fire Codes 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 (102 mm) sphere cannot pass through any opening up to a height of 34 inches (864 mm) from a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass. A bottom rail or curb shall be provided that will reject the passage of a 2 inch (51 mm) diameter sphere.

There were no comments from the public on this item.

Item C – 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.

Wayne Hamilton, Fire Marshal for the City of Asheville disapproved of the code change.

Item C – 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-8 lavatories in spaces open to corridors.

403.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for private facilities.
2. Separate employee facilities shall not be required in occupancies in which 25 or less people are employed.
3. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 25 or less.
4. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or less.
5. Except as provided in Section 405.3.2.

405.3.2 Public lavatories. In employee and public toilet rooms, the required lavatory shall be located in the same room as the required water closet, except in Education K-8, lavatories may be provided in a common toilet room vestibule, visible from the corridor.

Roger Ballard, Department of Public Instruction asked to add an exception to the proposal so that teachers could monitor the students.

Item C – 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 (457 mm) 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.

This item was put on hold until the next meeting.

Item C – 5 Request by Wayne Hamilton to amend the 2006 NC Fire Code 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, Fire Marshal for the City of Asheville spoke in favor of the code change.

Item C – 6 Request by Wayne Hamilton to amend the 2006 NC Fire Code, 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.

Wayne Hamilton, Fire Marshal for the City of Asheville spoke in support of the change.

Item C – 7 Request by David Smith, Residential Ad Hoc Committee, to add Section R324 to the 2006 NC Residential Code. The proposed amendment is as follows based on the 2006 IRC, Section R323:

Section R324
ELEVATORS AND PLATFORM LIFTS

R324.1 Elevators. Where provided, passenger elevators, ~~limited use/limited application elevators~~ or private residence elevators shall comply with ASME A17.1.

R324.2 Platform lifts. Where provided, platform lifts shall comply with ASME A18.1.

R324.3 Accessibility. ~~Elevators or platform lifts that are part of an accessible route required by Chapter 11 of the *International Building Code*, shall comply with ICC A117.1. Deleted.~~

R324.4 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.

Kevin Leonard spoke on behalf of the Elevator Industry Work Preservation Fund. He read a letter in support of the code change and gave us a copy for our records.

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 December 11, 2006. The Final Adoption meeting took place on March 13, 2007. 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 John Hitch, NCBC, 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 ~~100~~ 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

John Hitch stated that he wanted to request a modification to the original wording that he submitted for item D – 1. He would like to change bulleted item 2. This proposed modification is as follows:

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 ~~100~~ 300 or more, except 100 for nightclubs.
3. The fire area is located on a floor other than the level of exit discharge.

Dan Tingen asked for a motion to accept the proposed modification. Motion/Second/Passed. This item was passed unanimously with exception of Alan Perdue.

Before taking the vote to approve or deny this item Dan Tingen opened the floor to comments.

-Alan Perdue, BCC Member spoke out against approval of this item.

-John Hitch, BCC Member spoke for approval.

-Jim Long, Commissioner read a statement opposing the code change.

A roll call vote was taken below are the results.

Those who approved the item:

- John Hitch
- J. Albert Bass, Jr.
- Barry Maness
- Mack Nixon
- Robert Ruffner, Jr.
- Walter Simmons
- David Smith
- Thomas Turner

Those who disapproved the change:

- Terry Greene
- Dan Murray
- Jack Neel
- Alan Perdue

Those that abstained from voting:

- Dan Tingen
- Steve Knight
-

Absent

- Lon Culbertson
- Bradley Lail
- Gordon Reynolds

Motion/Second/Passed – The Petition was Adopted with four objections. Subject to approval by the Rules Review Commission.

Item D – 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.

Motion/Second/Passed – The Petition was Adopted unanimously. Subject to approval by the Rules Review Commission.

Part E – Reports

Chairman’s Report

- Reported that all Ad-Hoc Committees have been appointed with the addition of Steve Knight as a council meeting. Steve will be the Chairman of Building (16-end) Ad Hoc Committee and once he gives him the list of names to be on the committee he will have them appointed.
- Dan Tingen reported that the ZF Lemforder appeal has been finalized.
- Dan Tingen asked Butch Simmons to work on the definition of Nightclubs at the next Building Ad-Hoc Committee meeting.

Ad Hoc Committee Reports

- Butch Simmons reported on the Building (1-15) Ad Hoc Committee and Standing Committee. The Standing Committee met yesterday and the Ad Hoc committee has met twice and has completed review of

chapters 8, 12, 14 and 15. The future meetings have already been set.

- Al Bass reported on the Plumbing and Mechanical Ad-Hoc Committees. Both committees are essentially through with exception of 2 or 3 items that Henry Webster is checking out. Al does not anticipate any more meetings the remainder of the work will be handled through emails.
- Alan Perdue stated that the Fire Standing Committee met yesterday. There is a Fire Ad Hoc Committee Meeting Scheduled for April 10, 2007 beginning at 10:00 AM at the Department of Insurance, 322 Chapanoke Road, Raleigh, NC.
- Tom Turner reported that the Energy Committee was through with their review.
- John Hitch reported that the Accessibility Committee had two meetings and are about one third through their review of Chapter 11.
- David Smith reported that the Residential Standing Committee met yesterday and he will be presenting a proposal for the Windborne Debris area soon. Reported that the Ad-Hoc Committee is almost complete in their review they have three more meetings scheduled.
- Steve Knight reported that the first Building (16-end) Ad-Hoc Committee meeting will be held on April 2nd beginning at 9:00 AM at the Department of Insurance, 322 Chapanoke Road, Raleigh ,NC

Staff Report

- Christian Noles reported on the DOI Engineering Newsletter. This newsletter is sent to identify upcoming meetings. To receive the newsletter sign up at www.ncdoi.com under the Listserv.
- Christian Noles gave a report on the commentary. They are being printed by the ICC and will be out around April/May.
- Barry Gupton reported that the Special Inspections amendment was approved by the Rules Review Commission effective March 1, 2007.

Other Reports

- Alan Perdue brought up the ISO Concern from the December, 2006 Building Code Council Meeting.

Dan Tingen asked Christian Noles/Barry Gupton to contact Tim Lucas with the Rate Bureau to see if they can attend the next meeting to discuss this item.

Part F – Appeals

Item F – 1 Little Diversified Architectural Consulting – Horizontal Assembly between Residential and Other Occupancies

There was not enough time to get the appeal parties together. This was not discussed at this meeting.

Sincerely,

Christian Noles
Secretary, NC Building Code Council