

PROPOSED TEMPORARY RULES

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.

For questions, you may contact either the Office of Administrative Hearings at 919.733.2678, email oah.postmaster@ncmail.net or the Rules Review Commission at 919.733.2721.

NC BUILDING CODE COUNCIL

Rulemaking Agency: Building Code Council

Codifier of Rules approved this rule as an emergency rule effective April 5, 2007 and received for publication the following notice and proposed temporary rule on March 27, 2007.

Rule Citations: Residential Code, R302.1 Exception 2, Exterior Wall Projections (070313 Item B-2)

Public Hearing:

Date: June 11, 2007

Time: 1:00 p.m.

Location: McKimmon Center, 1101 Gorman Street, Raleigh, NC

Reason: Current methods of townhouse construction that are allowed by the NC Residential Code have demonstrated the potential to allow fire to spread along and through roof soffit areas and into attic spaces. In the specific instance of vinyl soffits, the soffit material can melt away and allow an open chase for flames to rapidly spread into the attic space. Having noncombustible soffit material will reduce the spread of flames into the attic and adjacent units; thereby making the fire easier to control and manage.

The recent Raleigh townhouse fire brought this issue to the attention of the council. Numerous new townhouse building permits will be issued prior to adoption and approval of the Permanent Rule.

Comment Procedures: Comments from the public shall be directed to: Barry Gupton, PE, Dept. of Insurance, Engineering Division, 322 Chapanoke Road, Suite 200, Raleigh, NC 27603. The comment period begins April 4, 2007 and ends June 1, 2007.

NC Building Code Council

NC Residential Code

R302.1 Exception 2, Exterior Wall Projections (070313 Item B-2)

R302.1 Exterior walls. Exterior walls with a fire separation distance less than 3 feet (914mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides. Non-rated projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projections:

1. A point one-third the distance to the property line from an assumed vertical plane located where protected openings are required.
2. More than 12 inches (305 mm) into areas where openings are prohibited.

Projections extending beyond the distance described above into the fire separation distance shall have not less than one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance.

Exceptions:

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) noncombustible 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.

The Effective Date for this Emergency Rule is the April 5, 2007.

The Statutory authority for Rule-making is G. S. 143-136; 143-138.