

**Minutes of the North Carolina Building Code Council
September 8-9, 2008
Raleigh, NC**

All members of the North Carolina Building Code Council were present with the exception of Al Bass.

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 December 8-9, 2008 at the Wake County Commons Building, 4011 Carya Drive, Raleigh, North Carolina, 27610.

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 June 10, 2008 NC Building Code Council Meeting.

Motion/Second/Passed – The June 10, 2008 minutes were approved unanimously.

Item A – 3 Updated Building Code Council member contact information.

Members were encouraged to let staff know of any corrections needing to be made on the updated member contact information sheet.

Item A – 4 Notice of Ms. Paula W. Strickland’s appointment to the NC Building Code Council.

Dan Tingen introduced and welcomed Ms. Paula W. Strickland, the newest member appointed to the NC Building Code Council.

Item A – 5 Letter from John M. Carter regarding Noise Levels.

There were no comments or concerns from the Council members at this time.

Item A – 6 Request by Butch Simmons to address sprinklers in Group A-2 occupancies in the 2009 Code.

There were no comments at this time. A new Petition will be submitted as Item B – 14.

Item A – 7 Mr. Hawley Truax, Governors Office, requests the opportunity to deliver a message from the Governor charging the NC Building Code Council with making every possible effort to ensure that energy efficiency is promoted in a timely and appropriate manner through the North Carolina Building Code.

The Governor's Office presented the "Project Narrative Proposal for Development and Implementation of an Improved Energy Code for North Carolina" to the Council. The project objective is to increase energy efficiency through code enforcement, implementation, improvement and training and to serve as a model for other states in the region.

Item A – 8 Rules Review Commission meeting report – (8/21/08)

The 2009 NC Plumbing Code, Section 302.1, Detrimental or Dangerous Materials - either the RRC objection will be resolved or the Section will be published as commentary. The June meeting D-Items were approved at the 8/21/08 RRC meeting.

The following outstanding items were resolved during the 2008 Legislative Session:

Electrical - Tamper Resistant Receptacles - no action - effective 7/3/08

Electrical - SE Cable - no action - effective 7/3/08

Electrical - AFCI Receptacles - no action - effective 1/1/09

Residential - Windborne Debris - no action - effective 1/1/09

Residential - Elevators in Dwellings - no action - effective 1/1/09

Building - A-2 Nightclubs - bill introduced, no action - effective 7/19/08

Item A – 9 Item A – 9 The Council discussed the provisions of House Bill 2431 to reexamine its adoption of the 2008 NC Electrical Code requirements for Tamper Resistant Receptacles, AFCI Receptacles and SE Cables. The Chairman suggested that in order to gather information and assist in preparation of the General Assembly report the council should vote on these items as to whether they were "necessary and cost effective". The following action was taken.

Motion – Mack Nixon/Second – Jack Neel/Passed – Take a vote on all three items separately to determine if they are "necessary and cost effective" and if they should be reexamined by the Council.

Tamper Resistant Receptacles – 13/2 – necessary and cost effective.

AFCI Receptacles – 7/8 – will be reexamined.

SE Cables – 2/13 – will be reexamined.

Alan Perdue said that this vote is premature and that the Electrical Committee should discuss the items first. Barry Gupton noted that Items B – 12 and B – 13 are affected by this vote. Kim Reitterer requested that the Council's report be held until after the Electrical Committee meets and discusses. John Hitch said that the Committee should meet prior to the December Council meeting. Dan Tingen said that he would prepare the Legislative report from the Council.

Motion – David Smith/Second – Mack Nixon/Passed – Staff is to prepare a Petition to change AFCI Receptacles and SE Cables back to the 2005 NEC requirements.

Part B – New Petitions for Rulemaking

Item B – 1 Request by David Smith, on behalf of the Residential Ad-Hoc Committee, to amend the 2009 NC Residential Code. The proposed amendment is as follows:

R202 SUNROOM ADDITION. A one-story structure attached ~~added~~ added to an existing dwelling with a glazing area in excess of 40 percent of the gross area of the structure's exterior walls and roof.

Motion – David Smith/Second – Cindy Browning/Passed – The Petition was granted unanimously and was referred to the Residential Committee for review.

Item B – 2 Request by David Smith, on behalf of the Residential Ad-Hoc Committee, to amend the 2009 NC Residential Code. The proposed amendment is as follows:

~~**R311.2.2 Under stair protection.** Deleted.~~

R311.2.2 Under stair protection. Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with ½-inch (12.7mm) gypsum board.

Motion – David Smith/Second – Butch Simmons/Passed – The Petition was granted unanimously and was referred to the Residential Committee.

Item B – 3 Request by Jeff Griffin, Mecklenburg County Government, to amend the 2009 NC Residential Code, Section R311.5.8. The proposed amendment is as follows:

R311.5.8 Special stairways. Circular stairways, spiral stairways, winders, bulkhead enclosure and bowed head stairways shall comply with all requirements of section R311.5 except as specified below.

R311.5.8.3 Bowed tread stairways. Bowed tread stairways are permitted provided they are uniform in bowed tread depth along entire width of tread with not more than 3/8” variance from greatest to smallest tread in the stairway flight. At no point shall the tread be less than a minimum of 9 inches with a nosing as listed in section R311.5.3.2 and R311.5.3.3 respectfully.

R311.5.8.3.1 Standard stairway application. The bottom 3 treads in a standard straight run stairway application as listed under section R311.5.3.2 are permitted to bow provided at no point along the width of the tread they are less than 9” as measured under section R311.5.3.2 and each bowed tread is uniformed with other bowed treads with no more than 3/8”

variance from greatest to least. Nosing is required as listed in section R311.5.3.

R311.5.8.3.2 Bowed tread circular stairways. Bowed treads in a circular stairway are permitted provided they are uniformed as per winder treads as listed in section R311.5.3.2 measured at a point 12" from the side where the treads are narrower. At this walk line bowed treads must be uniformed with other circular stairway treads with the greatest tread not to exceed the smallest by more than 3/8". Nosing is required as listed in section R311.5.3.

Figures R311.5.8.3, R311.5.8.3.1, and R311.5.8.3.2, are also to be added to commentary to explain code section application.

Motion – David Smith/Second – Butch Simmons/Passed – The Petition was granted unanimously and was referred to the Residential Committee.

Item B – 4 Request by Francis Roma, with Logix ICF, Ltd., to amend the 2009 NC Residential Code. The proposed amendment is as follows:

R314.3 Specific approval. Plastic foam not meeting the requirements of Sections R314.1 and R314.2 may be specifically approved on the basis of one of the following approved tests: ASTM E 84, FM 4880, UL 1040, NFPA 286, ASTM E 152, or UL 1715, or fire tests related to end-use configurations. The specific approval may be based on the end use, quantity, location and similar considerations where such tests would not be applicable or practical.

Motion – Alan Perdue/Second – Butch Simmons/Denied – The Petition was denied.

Item B – 5 Request by David Smith, on behalf of the Residential Ad-Hoc Committee, to amend the 2009 NC Residential Code. The proposed amendment is as follows:

~~R404.5 Retaining walls.~~ ~~Retaining walls that are not laterally supported at the top and that retain in excess of 24 inches (610 mm) of unbalanced fill shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.~~ **Delete.**

Motion – David Smith/Second/Passed – The Petition was granted unanimously and was referred to the Residential Committee.

Item B – 6 Request by David Smith, on behalf of the Residential Ad-Hoc Committee, to amend the 2009 NC Residential Code. The proposed amendment is as follows:

Revise Section R406.1 to read as follows:

406.1 Concrete and masonry foundation dampproofing.

Foundation walls where the outside grade is higher than the inside grade, shall be dampproofed from the top of the footing to the finished grade. ~~Masonry walls shall have not less than 3/8 inch (9.5 mm) Portland cement parging applied to the exterior of the wall.~~ The foundation walls shall be dampproofed with a bituminous coating, 3 pounds per square yard (1.63 kg/m²) of acrylic modified cement, or 1/8-inch (3.2 mm) coat of surface-bonding mortar complying with ASTM C 887 or any material permitted for waterproofing in Section R406.2. Concrete walls shall be dampproofed by applying any one of the above listed dampproofing materials or any one of the waterproofing materials listed in Section R406.2 to the exterior of the wall.

Motion – David Smith/Second/Passed – The Petition was granted unanimously and was referred to the Residential Committee.

Item B – 7 Request by David Smith, on behalf of the Residential Ad-Hoc Committee, to amend the 2009 NC Residential Code. The proposed amendment is as follows:

N1102.2.10 Thermally isolated sunroom addition insulation. The minimum ceiling insulation *R*-values shall be R-19 in zones 1 through 4 and R-24 in zones 5 through 8. The minimum wall *R*-value shall be R-13 in all zones. New wall(s) separating the sunroom from conditioned space shall meet the building thermal envelope requirements.

Motion – David Smith/Second/Passed – The Petition was granted unanimously and was referred to the Residential Committee.

Item B – 8 Request by David Smith, on behalf of the Residential Ad-Hoc Committee, to amend the 2009 NC Residential Code. The proposed amendment is as follows:

N1102.3.5 Thermally isolated sunroom addition *U*-factor. For zones 4 through 8 the maximum fenestration *U*-factor shall be 0.50 and the maximum skylight *U*-factor shall be 0.75. New windows and doors separating the sunroom from conditioned space shall meet the building thermal envelope requirements. Conditioned sunroom additions shall maintain thermal isolation; shall not be used as kitchens or sleeping rooms; and shall be served by a separate heating or cooling system, or be thermostatically controlled as a separate zone of the existing system.

Motion – David Smith/Second – Butch Simmons/Passed – The Petition was granted unanimously and was referred to the Residential Committee.

Item B – 9 Request by Wendy Purser, Hampstead Pool, Spa & Patio, Inc., to amend the 2009 NC Residential Code, Appendix G. The proposed amendment is as follows:

1. Delete and substitute as follows:

~~**AG106.1 Suction entrapment avoidance.** Pools, spas, hot tubs, catch basins and other similar bather accessible bodies of water associated~~

~~with swimming pool construction shall be designed to produce circulation throughout the body of water and provide means to protect against user suction entrapment in accordance with ANSI/APSP 7.~~

AG106.1 General. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7. ~~to produce circulation throughout the pool or spa. Single outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets whether isolated by valves or otherwise shall be protected against user entrapment.~~

2. Delete without substitution:

AG106.2 Suction fittings. ~~Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8M, or an 18 inch x 23 inch (457mm by 584mm) drain grate or larger, or an approved channel drain system.~~

Exception: ~~Surface skimmers~~

AG106.3 Atmospheric vacuum relief system required. ~~Pool and spa single or multiple outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. This vacuum relief system shall include at least one approved or engineered method of the type specified herein, as follows:~~

- ~~1. Safety vacuum release system conforming to ASME A112.19.17; or~~
- ~~2. An approved gravity drainage system.~~

AG106.4 Dual drain separation. ~~Single or multiple pump circulation systems shall be provided with a minimum of two (2) suction outlets of the approved type. A minimum horizontal or vertical distance of three (3) feet (914 mm) shall separate the outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum relief protected line to the pump or pumps.~~

AG106.5 Pool cleaner fittings. ~~Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least (6) inches (152 mm) and not more than (12) inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s).~~

3. Add standard to Section AG 108 as follows:

ANSI/APSP-7-06 Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins

4. Update standard in Section AG 108 as follows:

ASME/ANSI A112.19.17-07 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs

ANSI/ASME A112.19.8M-1987 2007 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathing Appliances

ANSI/NSPI APSP-4-99 07 Standard for Above-ground/On-ground Residential Swimming Pools

ANSI/NSPI-5-99 03 Standard for Residential In-ground Swimming Pools

Motion – Mack Nixon/Second – Alan Perdue/Passed – The Petition was granted unanimously and was referred to the joint Plumbing/Residential Committee.

Item B -10 Request by Wendy Purser, Hampstead Pool, Spa & Patio, Inc., to amend the 2009 NC Residential Code, Appendix G. The proposed amendment is as follows:

1. Add new definition to Section AG102:

UNBLOCKABLE DRAIN. – A drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

2. Delete and modify as follows:

~~**AG106.1 Suction entrapment avoidance.** Pools, spas, hot tubs, catch basins and other similar bather accessible bodies of water associated with swimming pool construction shall be designed to produce circulation throughout the body of water and provide means to protect against user suction entrapment in accordance with ANSI/APSP-7.~~

AG106.1 General. Suction outlets shall be designed and installed in accordance with one of the following: ANSI/APSP-7. ~~to produce circulation throughout the pool or spa. Single outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or otherwise, shall be protected against user entrapment.~~

1. ANSI/APSP-7, or
2. All of the provisions of Section AG 106.2 through Section AG 106.5.

3. Add new section:

AG106.2 Drain Configuration. Pools and spas shall be designed and installed with one of the following:

1. More than one suction outlet (drain), with a minimum horizontal or vertical distance of 3 ft (914 mm) between outlets. Maximum water velocity in suction branch piping shall be limited to 3 feet per second or a maximum of 6 feet per second (fps) (1.829 mps) if one of a pair of suction outlets is blocked
2. One or more unblockable drains, or
3. No main drain

4. Modify as follows:

AG106.23 Suction fittings. Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8M ~~or an 18-inch x 23-inch (457 mm by 584 mm) drain grate or larger, or an approved channel drain system.~~

Exception: Surface skimmers

AG106.3.1 All suction outlet covers/grates shall have a permanently marked flow rating tested to prevent hair entrapment.

AG106.3.2 The marked flow rating provided on the suction outlet cover shall exceed the flow rate of the circulation system it is protecting.

AG106.34 Atmospheric vacuum relief system required. All pools and spas that have a single drain other than an unblockable drain shall be equipped with one or more of the following:

1. Safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been listed and labeled to conform to ANSI/ASME A112.19.17; or ASTM F 2387, or
2. An approved gravity drainage system that utilizes a collector tank, or
3. A suction-limiting vent system with a tamper resistant atmospheric opening, or
4. An automatic pump shut-off system, or
5. A drain disablement system.

~~Pool and spa single or multiple outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. This vacuum relief system shall include at least one approved or engineered method of the type specified herein, as follows:~~

- ~~1. Safety vacuum release system conforming to ASME A112.19.17; or~~
- ~~2. An approved gravity drainage system~~

AG106.4 Dual drain separation. ~~Single or multiple pump circulation systems shall be provided with a minimum of two suction outlets of the approved type. A minimum horizontal or vertical distance of 3 feet (914 mm) shall separate the outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum relief-protected line to the pump or pumps.~~

AG106.5 Pool cleaner fittings. ~~Where provided vacuum or pressure cleaner fitting(s) shall be designed to protect against limb entrapment. Vacuum cleaner fitting(s) shall be located in an accessible position(s) at~~

least 6 inches (152 mm) and not greater than 12 inches (305 mm) below the minimum operational water level.

Exception: Vacuum cleaner fitting(s) when used as an attachment to the skimmer(s).

5. Add standards to Section AG 108 as follows:

ANSI/APSP-7-06 Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins

ASTM F2387 – 04 Standard Specification for Manufactured Safety Vacuum Release Systems (SVRS) for Swimming Pools, Spas and Hot Tubs

6. Update standard in Section AG 108 as follows:

ASME/ANSI A112.19.17-07 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs

ANSI/ASME A112.19.8M-1987 2007 Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs and Whirlpool Bathing Appliances

ANSI/NSPI APSP-4-99 07 Standard for Above-ground/On-ground Residential Swimming Pools

ANSI/NSPI-5-99 03 Standard for Residential In-ground Swimming Pools

Motion – Butch Simmons/Second – Alan Perdue/Passed – The Petition was granted unanimously and was referred to the joint Plumbing/Residential Committee.

Item B –11 Request by Eric Doran, Hatteras Pools, to amend the 2009 NC Residential Code. The proposed amendment is as follows:

AG106.3 Atmospheric vacuum relief system required. All pool and spa single or multiple outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. Such vacuum relief systems shall include at least one approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release system conforming to ASME A112.19.17, or
2. An approved gravity drainage system.

Exception: Surface Skimmers

Motion – John Hitch/Second/Passed – The Petition was granted unanimously and was referred to the joint Plumbing/Residential Committee.

Item B –12 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/Second/Passed – The Petition was granted and referred to the Electrical Committee. The final hearing for this item will be held in March 2009.

Item B –13 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 – Butch Simmons/Second/Passed – The Petition was granted unanimously and was referred to the Electrical Committee. The final hearing for this item will be held in March 2009.

Item B –14 Request by John L. Hitch, AIA, to amend the 2009 NC Building Code. The proposed amendment 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; or
3. The fire area is located on a floor other than the level of exit discharge.

SECTION 202 DEFINITIONS

NIGHTCLUB. See Section 902.1

SECTION 902 DEFINITIONS

NIGHTCLUB. An establishment meeting all of the following:

1. Has a posted capacity or occupant load that exceeds one occupant per 15 square feet net;
2. Provides live or recorded entertainment by performing artists; and
3. Serves alcoholic beverages.

Motion – John Hitch/Second – Mack Nixon/Passed – The Petition was granted was granted unanimously.

Item B –15 Request by Kim Reitterer, Building Code Council, to review the treatment of Rain Water Recycling in the Plumbing Code, Appendix C-1.

Motion – Butch Simmons/Second – Cindy Browning/Passed – The Petition was granted unanimously and was referred to the Plumbing Committee to discuss along with Item D – 4.

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 September 8, 2008 and the Final Adoption meeting may take place on or after December 9, 2008.

Item C – 1 Request by David E. Gall, Architect, P.A., to amend Chapter 4 and Chapter 9 of Volume I of the 2009 NC Building Code. The proposed amendment is as follows:

Amend Chapter 4 in Volume I of the NC Building Code to add a new Section 422 as follows:

422.1. Existing A-2 and A-3 Occupancies shall be permitted to provide facilities for temporary overflow emergency shelters for the homeless provided that all of the following conditions are met and approved by the local code official and fire marshal:

.1 The total number of homeless Occupants is limited to 20 individuals who are ambulatory. The homeless Occupants must be 18 years of age or older.

.2 The building used for the temporary overflow emergency shelter must be of Type I, II, or III construction.

.3 The temporary overflow emergency shelter must be staffed by a minimum of two individuals of 21 years of age or older trained in accordance with Chapter 4 of the NC Fire Code and at least one trained individual shall be awake to monitor the sleeping room and restrooms throughout the time the facility is occupied by the homeless.

.4 Functioning smoke detection and a local fire alarm system per 907.2.8 shall be provided throughout the sleeping room and exit access corridors and stairs of the temporary overflow emergency shelter.

.5 There shall be a minimum of two separate code compliant means of egress serving the temporary overflow emergency shelter. An evacuation route approved by the local code official and fire marshal shall be posted and be in compliance with Sections 404, 406, and 408 of the NC Fire Code.

- .6 There shall be no lockable doors between sleeping rooms and required exits.
- .7 The temporary overflow emergency shelter sleeping room and exit access corridors and stairs shall have night-lighting and emergency lighting with back-up power.
- .8 No fire protection sprinkler system is required per 903.2.7, Exception #2.
- .9 Heating, cooling, and ventilation must be provided by equipment installed and approved for such use. No space heaters are permitted.
- .10 There must be an adequate number of fire extinguishers to serve the temporary overflow emergency shelter as determined by the local fire marshal. Travel distance to an approved fire extinguisher shall not exceed 50 feet. Minimum rating of extinguishers shall be 3A40BC.
- .11 No smoking is permitted in the temporary overflow emergency shelter.
- .12 Building Owner must submit documentation illustrating that the fire alarm system is approved and that all emergency batteries have been tested and are operational.
- .13 Temporary overflow emergency shelters must be approved by the local code official for Occupancy by issuance of an approved Occupancy Permit. Drawings of the temporary overflow emergency shelter sealed by a NC licensed architect or engineer must be provided for local code official review and approval.
- .14 Compliance with NC Accessibility code for temporary overflow emergency shelters is not required provided that the local jurisdiction has other shelter facilities that are accessible by the disabled.
- .15 Occupancy of a temporary overflow emergency shelter shall be for a maximum of 150 calendar days within any 365 day time span.

Amend Chapter 9 in Volume I as follows:

903.2.7: Exception #2: an automatic sprinkler system is not required in Group R-1 for temporary overflow emergency shelters per 422.1.

David Gall, Winston-Salem Architect, recommends the Council adopt this code change.

Charles Wilson, Winston-Salem, recommends the Council adopt this code change.
David Hughes, Pastor of First Baptist Church of Winston-Salem, recommends the Council adopt this code change.

Diane Dawson, Advocacy for the Board – Winston-Salem, recommends the Council adopt this code change.

Wayne Hamilton, with the City of Asheville, opposed the code change and asked that this issue be sent to committee.

Item C – 2 Request by Michael D. Crotts, City of Morganton, to amend the 2009 NC Building Code by adding a new Section 422. The proposed amendment is as follows:

422.1 Classification. Existing Church Buildings (places of worship) to be used as Temporary Homeless Shelters.

R-1 use in an A-3 occupancy.

422.1.1 Fire Extinguishers shall be installed in accordance with the North Carolina Fire Prevention Code.

422.2 Non-sprinklered buildings to be occupied for Temporary Homeless Shelters must meet all the following:

1. Shelters would be limited to a maximum of 20 homeless persons.
2. The temporary shelters would be for adults only, no children under the age of 16 years.
3. The buildings would be a minimum of Type I, II, or III, construction.
4. The temporary shelters would have to be staffed by adults (21 years or older).
5. Each shelter would have a minimum of 2 staff persons 1 of which would be awake at all times the shelter is occupied to provide a fire watch. There would also be a posted evacuation route approved by the Fire Official. These facilities would be non-smoking.
6. Shelters would be required to acquire a building permit and be inspected by the Building and Fire Official for egress and safety.
7. Temporary shelters would be allowed only for 120 days after approval and be renewable no more than 2 concurrent permits in a calendar year.

422.3 No requirements currently exist in the North Carolina Accessibility Code Volume I-C for Emergency Shelters. The U.S. Department of Justice ADA Checklist for Emergency Shelters document may be used for Accessibility Guidelines.

Wayne Hamilton, with the City of Asheville, opposed the code change and asked that this issue be sent to committee.

Item C – 3 Request by Michael D. Crotts, City of Morganton, to amend the 2009 Fire Code, Section 903.2. The proposed amendment is as follows:

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.

Exceptions:

1. An automatic sprinkler system is not required in Group R-3 and R-4 adult and child day care facilities.

2. Temporary Homeless Shelters.

See Section 422

There were no comments from the public on this item.

Item C – 4 Request by Kirk Aten, with Mecklenburg County Code Enforcement, to amend the 2009 NC Building Code, Chapter 11 Accessibility. The proposed amendment is as follows:

1104.3.2 Press boxes: An accessible route shall not be required to a press box unless the press box is part of a privately owned facility of three or more stories in height and a minimum of one of those stories has an area of 3,000 gross square feet or more.

1104.3.2 Press boxes. Press boxes in assembly areas shall be on an accessible route.

Exceptions:

1. An accessible route shall not be required to press boxes in bleachers that have points of entry at only one level, provided that the aggregate area of all press boxes is 500 square feet (46 m²) maximum.

2. An accessible route shall not be required to free-standing press boxes that are elevated above grade 12 feet (3660 mm) minimum provided that the aggregate area of all press boxes is 500 square feet (46 m²) maximum.

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

Item C – 5 Request by William Eubanks, New Hanover County Inspections, to amend the 2009 NC Plumbing Code, Section 305.6. The proposed amendment is as follows:

305.6 Freezing.

The top of water pipes, installed below grade outside the building, shall be below the frost line or a minimum of 12 inches below finished grade whichever is greater. Water pipes installed in a wall exposed to the exterior shall be located on the heated side of the wall insulation. Water piping installed in an unconditioned attic or unconditioned utility room shall be insulated with an insulation having a minimum R factor of 6.5 determined at 75 degrees Fahrenheit in accordance with ASTM C-177.

Add Exception:

Water Piping installed in attics directly on top of ceiling joists and directly beneath the attic insulation does not need to be insulated with an insulation having a minimum R factor of 6.5. The piping must be covered with a tent of 4 mil. poly to prevent the building insulation from cutting off heat loss through the ceiling reaching the pipe.

Lacy Smith, with Guilford County, recommends this issue be sent to committee.

William Eubanks, with New Hanover County Inspections, recommends the Council adopt this code change and be sent to committee.

Wayne Hamilton, with the City of Asheville, recommends this issue be sent to committee.

Item C – 6 Request by Jeff Griffin, Mecklenburg County Government, to amend the 2009 NC Residential Code. The proposed amendment is as follows:

Complete revision on Appendix M Wood Decks.

Robert Privott, with NC Home Builders Association, recommends this issue be sent to committee.

Item C – 7 Notice of Request for Public Comment in response to House Bill 2431, Section 18.1. The North Carolina Building Code Council shall reexamine its adoptions of the following sections of the North Carolina Electrical Code to determine whether they are necessary and cost-effective: Section 210.12(B), Arc-Fault Circuit-Interrupter Protection; Section 338.10(B)(4)(a), Allowable Ampacities for SE Cables; and Section 406.11, Tamper Resistant Receptacles in Dwelling Units. The Council shall report its findings to the General Assembly on or before January 1, 2009.

Public comment was received to assist the Council in their report to the General Assembly.

Testimony received in support of Tamper Resistant Receptacles, AFCI Receptacles and SE Cables as “necessary and cost effective”.

- Randy Safer, UL – gave a background of Code Panels and NEC adoption. AFCI was introduced in response to CPSC study. Ohio IAEI did a detailed cost analysis. Tamper Resistant receptacles were introduced in response to child shocks. The cost is 0.50 to 0.75 additional per receptacle and approximately \$50 per dwelling. UL recommends to maintain the 2008 NEC as adopted. (written comments)

- Gary Mullis, NCECC IAEI/Mecklenberg County – AFCI cost is conservatively \$500 per dwelling. Tamper Resistant receptacles cost is 0.50 additional per receptacle. SE cable has a greater potential for failure under fault conditions when not derated. Recommend to send back to the Electrical Committee before report is written.

- Jonathan Minick, NEMA, - CPSC started a home fire study in 1992 that led to AFCI protection. NEC turned down the requirement in 1996 and approved it in 1999. One-third of all house fires are due to fixed electrical problems. The identified costs are retail, not wholesale. Tamper Resistant receptacles have been included in the Canadian Electrical Code also. SE cable derating started in 1981 due to a movement to eliminate NM cable.

- Alan Manche, Square D – AFCI cost is \$400-\$450 per dwelling. In the 1992 CPSC study, 14 different scenarios were considered. Contractors supported AFCI adoption at the national level.
- Jack Wells, Pass/Seamor – Tamper Resistant receptacle cost is 0.50 additional per receptacle. There are 24,000 child shock injury reports. Tamper Resistant receptacle requirements have been adopted in 20 states, 10 are currently enforcing and 7 have a future enforcement date. A Temple University study shows that the average 6 year old can remove a receptacle cover.
- Kim Reitterer, Electrical Committee Chair – Safety is the primary concern of the NEC. AFCI protection is provided for damaged/overloaded circuits and extension cords. Seven percent of all fire deaths are due to electrical. Human life has not been considered in the cost analysis.

Testimony received in opposition to Tamper Resistant Receptacles, AFCI Receptacles and SE Cables as “necessary and cost effective”.

- Robert Privott, NCHBA – AFCI was adopted without fire data. Tamper Resistant receptacle adoption was not based on sound information. (written comments)
- Matt Siglar, CP Morgan – Received a report on fires from Kim Williams, OSFM. He will furnish information to the Council. NEC does not address affordability.
- Terry Cromer, NCAEC – Testimony.
- Rob Wilson, Wake County Association of Electrical Contractors – There are typically 13 AFCI receptacles on five lighting branch circuits in a 3,000 square foot dwelling using the 2008 NEC. This is a cost issue at \$30 per device.
- Tonda Turner, Turner Electric of High Point/Electrical Contractor – Testimony.

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 June 9, 2008. The Final Adoption meeting took place on September 9, 2008. 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 Craig J. Froeter, Froet Industries LLC, to amend the 2006 NC Plumbing Code, Section 1105. The proposed amendment is as follows:

1107.3 Sizing of secondary drains. Secondary (emergency) roof drain systems shall be sized in accordance with section 1106 based on the rainfall rate indicated in figure ~~1106.1a~~ 1106.1.

NOTE: This item will be continued until the December meeting to allow for Plumbing Committee Review.

This item was tabled until the December meeting to allow the Committee to review.

Item D – 2 Request by Craig J. Froeter, Froet Industries LLC, to amend the 2006 NC Plumbing Code, Section 1105. The proposed amendment is as follows:

1105.1 Strainers. Roof drains shall have strainers extending not less than 4 3 inches (~~102mm~~ 76mm) above the surface of the roof.

NOTE: This item will be continued until the December meeting to allow for Plumbing Committee Review.

This item was tabled until the December meeting to allow the Committee to review.

Item D – 3 Request by Armin J. Wallner, Catawba County Government, to amend the 2009 NC Residential Code, Section R403.1 and add Appendix Q to recognize discontinuous footings. The proposed amendment is as follows:

R403.1 General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill.

Discontinuous footings shall be permitted to be constructed in accordance with ACI 332-04 for Concrete foundation walls and Appendix Q for Masonry foundation walls.

The proposed Appendix Q text may be viewed at the following link:
http://www.ncdoi.com/OSFM/Engineering/BCC/engineering_bcc_minutes.asp

Motion – David Smith/Second – Butch Simmons/Passed – The motion was passed unanimously.

Item D – 4 Request by Al Bass, Mechanical Committee, to amend the 2009 NC Plumbing Code, Section 301.3 and add Appendix C-1 for Rain Water Recycling Systems. The proposed amendment is as follows:

301.3 Connections to the sanitary drainage system. All plumbing fixtures, drains, appurtenances and appliances used to receive or discharge liquid wastes or sewage shall be directly connected to the sanitary drainage system of the building or premises, in accordance with the requirements of this code. This section shall not be construed to prevent the indirect waste systems required by Chapter 8. All drain, waste and vent piping associated with gray water or rain water recycling systems shall be installed in full compliance with this code.

The proposed Appendix C-1 text may be viewed at the following link:
http://www.ncdoi.com/OSFM/Engineering/BCC/engineering_bcc_minutes.asp

This item was tabled until the December meeting to allow the Committee to review.

Part E – Reports

Chairman’s Report

- Dan Tingen reported that he and the new BCC members went to the Governor’s Office and received a preview on the State energy conservation initiatives.

Ad-Hoc Committee Reports

- David Smith reported that the Residential Ad-Hoc committee continues to work on commentaries.

Standing Committee Reports

- Butch Simmons reported that the Joint Building/Fire Committee met on September 8, 2008 to discuss Temporary Overflow Emergency Shelters. They will work to develop a letter of understanding to be placed on the website.

- Alan Perdue also reported on the Joint Building/Fire Committee and that they also met with Day Care owners to listen to their concerns.

- John Hitch reported that the Building Committee met to discuss Item C-4 from the September Agenda.

Staff Reports

- Chris Noles reported that NCDOI staff is prepared for the adoption of the 2009 Code from January.

Public Comments

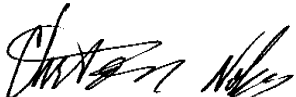
There were no additional comments from the public.

Part F – Appeals

Item F – 1 EpiCentre – Mecklenburg County Air Rights – September 9, 2008 Hearing

The Council received testimony from both parties and went into deliberation. The ruling will be forthcoming from the Council attorney.

Sincerely,



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