

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

All members of the North Carolina Building Code Council were present for the Meeting with the exception of Al Bass. All members were present for the Work Session and Hearing except David Smith.

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 9-10, 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 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 9, 2008 NC Building Code Council Meeting.**

In Item C-7, it was identified by Gary Mullis with Mecklenburg County that the following sentence be changed. **AFCI cost is conservatively \$500 per dwelling** should read **NEC cost is conservatively \$500 average per dwelling as code wired.**

Motion/Second/Passed – The September 9, 2008 minutes were approved as corrected.

**Item A – 3 Letter on behalf of the Advocacy for the Poor in Winston-Salem, thanking the Building Code Council for the understanding they demonstrated in the September meeting.**

The Chair asked that the Council take an opportunity to read the letter.

**Item A – 4 Letter from Rob Wilson of W3 Electric, Inc., to members of the Building Code Council regarding Item C-7 of the September Agenda.**

The Chair asked that the Council take an opportunity to read the letter.

**Item A – 5 Request by Nick Smith, City of Boiling Spring Lakes, to amend the 2009 NC Fire Code by local Ordinance.**

Alan Perdue recommended that the Council not to act on this item and that Staff comments be sent back to Boiling Spring Lakes.

**Item A – 6 Anson County Fire Code Ordinance**

Chris Noles reported that Staff looked at this item and identified conflicts within the Anson County Ordinance.

Alan Perdue recommended that the Council not to act on this item and that Staff comments be sent back to Anson County.

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

Barry Gupton reported that the 2009 Plumbing Code, Section 304.1 was printed as Commentary. The 2009 Residential Code, Section R403.1 amendment was approved.

**Part B – New Petitions for Rulemaking**

**Item B – 1 Request by Scott Barbour, P.E., to amend the 2009 NC Plumbing Code. The proposed amendment is as follows:**

The addition of **ASTM F-2306 / F-2306M** to Chapter 11 of the North Carolina Plumbing Code.  
This specification covers 12”-60” HDPE pipe.

The addition of **ASTM F-667** to Chapter 11 of the North Carolina Plumbing Code.  
This specification covers 8”-24” HDPE pipe.

Motion – Butch Simmons/Second – Mack Nixon/Passed – The Petition was granted unanimously and was referred to the Plumbing Committee for review.

This item was held to allow the Committee to review.

**Item B – 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:**

**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 – Paula Strickland/Second – David Smith/Passed – The Petition was granted unanimously and was referred to the Plumbing Committee for review.

**Item B – 3 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 – Paula Strickland/Second – Butch Simmons/Passed – The Petition was granted unanimously and was referred to the Plumbing Committee for review.

**Item B – 4 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.

Amended Motion – Kim Reitterer/Second – Ed Moore/Passed – The Petition was granted unanimously and was referred to the Electrical Committee for review.

**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 December 8, 2008 and the Final Adoption meeting may take place on or after March 10, 2009.

**Item C – 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 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.

There were no comments from the public on this item.

**Item C – 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.

There were no comments from the public on this item.

**Item C – 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.**

There were no comments from the public on this item.

**Item C – 4 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 m<sup>2</sup>);
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.

Frank Blackley, with NC Fire Marshal's Association, opposes the code change. He stated that Item 1 of the definition should be omitted.

Rob Kinniburgh, Deputy Fire Chief and Fire Marshal for the City of Charlotte, opposes the change. He played the Rhode Island Station fire video for the Council.

**Item C – 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.~~

There were no comments from the public on this item.

**Item C – 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/m<sup>2</sup>) 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.

There were no comments from the public on this item.

**Item C – 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.

There were no comments from the public on this item.

**Item C – 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.

There were no comments from the public on this item.

**Item C – 9 Request by Wendy Purser, Hampstead Pool, Spa & Patio, Inc., to amend the 2009 NC Residential Code, Appendix G and the 2009 NC Building Code, Section 3109.5. 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

Note: This amendment has been approved by ICC for the 2009 IBC and IRC. The intent is to make the same amendment to the 2009 NC Building Code, Section 3109.5. An immediate effective date is requested upon RRC approval.

Wendy Purser, with Hampstead Pool, Spa & Patio, Inc., recommends the Council adopt this code change.

**Item C -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

There were no comments from the public on this item.

**Item C -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

There were no comments from the public on this item.

**Item C -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.

NOTE: The final hearing for this item will be held on March 9, 2009. This item was referred to the Electrical Committee for review.

Gary Mullis, with International Association of Electrical Inspectors, opposes the code change. Written comments were provided.

John Minick, with NEMA, opposes the code change. He reported on studies that were done in the 1980's on NM-Cables and that cables can deteriorate by either raising current or temperature and insulation will raise the temperature. Mr. Minick said that constant loads, such as a range or furnace, will be more of a concern and it's not a listing issue.

James Shiva, with New Hanover County, recommends the Council adopt this code change.

Terry Cromer, with NC Association of Electrical Contractors, recommends the Council adopt this code change. He stated that most constant loads require 25% added load.

Mark Ode, with UL, opposes the code change. He stated that it may be 20 years before NM-Cables deteriorate. They are manufactured according to listing and installed according to NEC. Mr. Ode said it is a similar situation with Knob-and-Tube when listing in the early 1980's.

Ron Chilton, with NCDOT, opposes the code change. He stated that prior to 2002, SE Cables were installed in accordance with NM requirements and in 1996 the code changed, TIA published, and 1999 Code was changed back. Mr. Chilton stated that it was only excluded in the 2002 and 2005 cycle.

**Item C -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.

NOTE: The final hearing for this item will be held on March 9, 2009. This item was referred to the Electrical Committee for review.

Same comments as C-12

## **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 8, 2008. The Final Adoption meeting took place on December 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.

This item was tabled until the March 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.

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

### **Item D – 3 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](http://www.ncdoi.com/OSFM/Engineering/BCC/engineering_bcc_minutes.asp)

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

### **Item D – 4 Request by David E. Gall, Architect, P.A., to amend the 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.**

The joint Building/Fire Committee presented a compromise language and offered it as a substitute.

**422.1 (316.1 Fire):** Subject to approval of the Building and Fire Code Officials temporary overflow shelters shall be permitted in Churches and similar A-3 occupancies; and Group R fire protection systems may be omitted.

**202:** Temporary Overflow Shelter – A shelter that provides Temporary Overflow accommodations from an approved homeless shelter in accordance with Section 422 (316 Fire).

Motion to amend new wording– Alan Perdue/Second – Butch Simmons/Passed – The motion was adopted unanimously.

Motion for Final Adoption – Alan Perdue/Second – Butch Simmons/Passed – The motion was adopted unanimously.

**Item D – 5 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.

Motion – Butch Simmons/Second – Alan Perdue/Denied – The Petition was denied in favor of amended Item D-4.

**Item D – 6 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

Motion – Butch Simmons/Second – Alan Perdue/Denied – The Petition was denied in favor of amended Item D-4.

**Item D – 7 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.

Motion – John Hitch/Second – Tom Turner/Passed – The motion was adopted unanimously.

**Item D – 8 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.

Motion – Paula Strickland/Second – Kim Reitterer/Denied – The Petition was denied.

**Item D – 9 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.

Motion/Second/Passed – The motion was adopted unanimously.

**Item D –10 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.

No action to be taken by the Council.

The Chair will prepare a report to the General Assembly that AFCI protection and SE Cable Ampacities are being studied by the Council.

## **Part E – Reports**

### **Chairman’s Report**

- Dan Tingen discussed how the Council members would like to receive the new code books.
  
- The Electrical, Mechanical and Joint Building/Fire Committees met on Monday, December 8, 2008.
  
- Dan Tingen discussed a letter of the Washington Building Inspector’s Association expressing concerns about the ICC hearings in September.
  
- The Chair made the Council aware of a letter from Vaughn Wicker concerning an Accessibility article in the Business Journal of the Greater Triad.
  
- In November, the Chair testified before a joint select committee on the potential impact on major hurricanes in the North Carolina Insurance industry. He addressed that he has copies of his written comments for distribution to the Council.

### **Ad Hoc Committee Reports**

- David Smith reported that the Residential Ad-Hoc Committee has completed their work on the 2009 Residential Code Commentaries.

### **Standing Committee Reports**

- John Hitch and Alan Perdue discussed Temporary Homeless Shelters and the A-2 Occupancy on behalf of the Joint Building/Fire Committee. Mr. Hitch said that prior to the next meeting, they are hoping to have something to distribute to the Council, and it will be sent to both the Fire and General Construction Committee members by email.
  
- Kim Reitterer reported that the Electrical Committee met on Monday, December 8, 2008. She said the Committee started the investigation on Arc-Fault and SE Cables. The committee will have a one day meeting sometime in February and have a report ready by the next Building Code Council meeting.
  
- David Smith reported that the Residential Standing Committee met in November. They will be looking at Carbon Monoxide Detectors and Mr. Smith has contacted the Child Fatality Taskforce and they will be sending information the committee needs. The Residential Committee will begin

looking at putting the Plumbing, Electrical and Mechanical trades back into the 2012 NC Residential Code.

**Staff Reports**

- Chris Noles handed out a brochure that identifies the price breakdown of the Codes and went over some. He reported that some of the code books were in stock. Mr. Noles said that one of the statutory requirements was to provide one copy of the code to every jurisdiction within the State of North Carolina, and preparation is under way to do that by working out an agreement with ICC to be able to access the code online.
- Chris Noles reported that Barry Gupton is now over the Plan Review Section and the Interpretation Section.

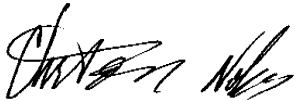
**Public Comments**

- Bucky Frye thanked the Building Code Council for their work on the Temporary Homeless Shelter

**Part F – Appeals**

No appeals were heard at this meeting.

Sincerely,



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