

1 **NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING**

2
3 **NORTH CAROLINA BUILDING CODE COUNCIL**

4
5 **Notice of Rule-making Proceedings** *is hereby given by NC Building Code Council in accordance with*
6 *G.S. 150B-21.5(d).*

7
8 **Citation to Existing Rule Affected by this Rule-Making:** *North Carolina Building, Electrical, Energy*
9 *Conservation, Existing Building, Fire, Mechanical, Plumbing, and Residential Codes.*

10
11 **Authority for Rule-making:** *G.S. 143-136; 143-138.*

12
13 **Reason for Proposed Action:** *To incorporate changes in the NC State Building Codes as a result of*
14 *rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the*
15 *Council.*

16
17 **Public Hearing:** *Tuesday, September 13, 2016, 9:00AM, NCSU McKimmon Center, 1101 Gorman Street,*
18 *Raleigh, NC 27606. Comments on both the proposed rule and any fiscal impact will be accepted.*

19
20 **Comment Procedures:** *Written comments may be sent to Barry Gupton, Secretary, NC Building Code*
21 *Council, NC Department of Insurance, 322 Chapanoke Road, Suite 200, Raleigh, NC 27603. Comments on*
22 *both the proposed rule and any fiscal impact will be accepted. Comment period expires on October 14,*
23 *2016.*

24
25 **Statement of Subject Matter:**

26
27
28 **1. Request by Dan Hartley, representing BHM Architects, to amend the 2012 NC Building Code,**
29 **Section 509.2 as follows:**

30
31 **509.2 Horizontal building separation allowance.** A building shall be considered as separate and distinct
32 buildings for the purpose of determining area limitations, continuity of *fire walls*, limitation of number of
33 *stories* and type of construction where all of the following conditions are met:

- 34 1. The buildings are separated with a *horizontal assembly* having a minimum 3-hour *fire-resistance rating*.
35 2. ~~The building below the *horizontal assembly* is no more than one story above grade plane.~~ Deleted.
36 3. The building below the *horizontal assembly* is of Type IA construction.

37

1 4. Shaft, *stairway*, ramp and escalator enclosures through the *horizontal assembly* shall have not less than a
2 2-hour *fire-resistance rating* with opening protectives in accordance with Section 715.4.

3 **Exception:** Where the enclosure walls below the *horizontal assembly* have not less than a 3-hour *fire*
4 *resistance rating* with opening protectives in accordance with Section 715.4, the enclosure walls extending
5 above the *horizontal assembly* shall be permitted to have a 1-hour *fire-resistance rating*, provided:

- 6 1. The building above the *horizontal assembly* is not required to be of Type I construction;
- 7 2. The enclosure connects less than four *stories*; and
- 8 3. The enclosure opening protectives above the *horizontal assembly* have a minimum 1-hour *fire protection*
9 *rating*.

10
11 5. The building or buildings above the *horizontal assembly* shall be permitted to have multiple Group A
12 occupancy uses, each with an *occupant load* of less than 300, or Group B, M, R or S occupancies.

13
14 6. The building below the *horizontal assembly* shall be protected throughout by an *approved automatic*
15 *sprinkler system* in accordance with Section 903.3.1.1, and shall be permitted to be any of the following
16 occupancies:

- 17 6.1. Group S-2 parking garage used for the parking and storage of private motor vehicles;
- 18 6.2. Multiple Group A, each with an *occupant load* of less than 300;
- 19 6.3. Group B;
- 20 6.4. Group M;
- 21 6.5. Group R; and
- 22 6.6. Uses incidental to the operation of the building (including entry lobbies, mechanical rooms, storage
23 areas and similar uses).

24
25 7. The maximum *building height* in feet (mm) shall not exceed the limits set forth in Section 503 for the
26 building having the smaller allowable height as measured from the *grade plane*.

27
28 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
29 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

30 Reason Given – This purpose of this amendment is to allow more than one story below the horizontal
31 separation. This change has been made in the 2015 IBC.

32 Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase
33 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
34 funds. A fiscal note has not been prepared.

35
36

1 **2. Request by Ralph Euchner, representing NC Building Code Council, to amend the 2012 NC**
2 **Plumbing Code, Section 306.2.4 as follows:**

3
4 **306.2.4 Tracer wire.** For plastic sewer and drain *pip*ing, an insulated copper tracer wire or other *approved*
5 conductor shall be installed adjacent to and over the full length of the *pip*ing. Access shall be provided to
6 the tracer wire or the tracer wire shall terminate at the cleanout between the building drain and building
7 sewer. The tracer wire size shall be not less than 14 AWG and the insulation type shall be listed for direct
8 burial.

9
10 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
11 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

12 Reason Given – This purpose of this amendment is to provide a tracer wire to locate non-metallic pipe and
13 avoid repairs due to trenching damage.

14 Fiscal Statement – This rule is anticipated to provide equivalent compliance with a minimal increase in
15 cost. This rule is not expected to either have a substantial economic impact or increase local and state
16 funds. A fiscal note has not been prepared.

17
18
19 **3. Request by Robert Privott, representing NC Home Builders Association, to amend the 2012 NC**
20 **Residential Code, Section AG105.2 as follows:**

21
22 **AG105.2 Outdoor swimming pool.** An outdoor swimming pool, including an in-ground, above-ground or
23 on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

24 1. The top of the barrier shall be at least 48 inches (1219 mm) above *grade* measured on the side of the
25 barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the
26 bottom of the barrier shall be 2 inches (51 mm) or 4 inches (102 mm) where concrete or fixed solid
27 material is used measured on the side of the barrier which faces away from the swimming pool. Where the
28 top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level,
29 such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of
30 the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of
31 the barrier shall be 4 inches (102 mm).

32
33 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
34 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

35 Reason Given – This purpose of this amendment is to increase the clearance to the bottom of the barrier to
36 facilitate deck cleaning.

1 Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase
2 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
3 funds. A fiscal note has not been prepared.

4
5
6 **4. Request by Terry Cromer, representing NC Association of Electrical Contractors, to amend the**
7 **2014 NC Electrical Code, Article 680.25(A) Exception as follows:**

8
9 **680.25 Feeders.** These provisions shall apply to any feeder on the supply side of panelboards supplying
10 branch circuits for pool equipment covered in Part II of this article and on the load side of the service
11 equipment or the source of a separately derived system.

12 **(A) Wiring Methods.**

13 **(1) Feeders.** Feeders shall be installed in rigid metal conduit or intermediate metal conduit. The following
14 wiring methods shall be permitted if not subject to physical damage:

- 15 (1) Liquidtight flexible nonmetallic conduit
- 16 (2) Rigid polyvinyl chloride conduit
- 17 (3) Reinforced thermosetting resin conduit
- 18 (4) Electrical metallic tubing where installed on or within a building
- 19 (5) Electrical nonmetallic tubing where installed within a building
- 20 (6) Type MC cable where installed within a building and if not subject to corrosive environment

21
22 *Exception: ~~A~~ An existing feeder within a one-family dwelling unit or two-family dwelling unit between an*
23 *existing remote panelboard and service equipment shall be permitted to run in flexible metal conduit or an*
24 *approved cable assembly that includes an ~~insulated~~ equipment grounding conductor within its outer*
25 *sheath. The equipment grounding conductor shall comply with 250.24(A)(5).*

26
27 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
28 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

29 Reason Given – This purpose of this amendment is to allow a cable assembly with an uninsulated
30 grounding conductor to be used. Type SER cable is generally used for this wiring method.

31 Fiscal Statement – This rule is anticipated to provide equivalent compliance with a minimal decrease in
32 cost. This rule is not expected to either have a substantial economic impact or increase local and state
33 funds. A fiscal note has not been prepared.

34
35

1 **5. Request by Michael Rettie, representing Orange County Inspection Department, to amend the**
2 **2012 NC Residential Code, Section N1102.4.3 and the 2012 NC Energy Conservation Code, Section**
3 **402.4.3 as follows:**

4
5 **N1102.4.3 Fireplaces.** Site-built masonry fireplaces shall ~~have doors and~~ comply with Section R1006 of
6 the *North Carolina Residential Code* for combustion air.

7
8 **402.4.3 Fireplaces.** Site-built masonry fireplaces shall ~~have doors and~~ comply with Section R1006 of the
9 *North Carolina Residential Code* for combustion air.

10
11 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
12 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

13 Reason Given – This purpose of this proposal is to eliminate the fireplace door requirement. The required
14 damper effectively closes off any significant draft that could impact energy usage.

15 Fiscal Statement – This rule is anticipated to provide equivalent compliance with a minimal decrease in
16 cost. This rule is not expected to either have a substantial economic impact or increase local and state
17 funds. A fiscal note has not been prepared.

18
19
20 **6. Request by Patrick Keal, representing Big Ass Solutions, to amend the 2012 NC Mechanical Code,**
21 **Section 202 as follows:**

22
23 **202 General Definitions.**

24
25 **High Volume Low Speed Fan.** A ceiling fan that circulates high volumes of air at low rotational speeds.
26 Such fans are greater than 7 feet in diameter.

27
28 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
29 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

30 Reason Given – This purpose of this proposal is to provide a definition for large diameter fans.

31 Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase
32 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
33 funds. A fiscal note has not been prepared.

34
35
36 **7. Request by Patrick Keal, representing Big Ass Solutions, to amend the 2012 NC Mechanical Code,**
37 **Chapter 15 as follows:**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

Chapter 15

Referenced Standards.

AMCA

Air Movement and Control Association International
30 West University Drive
Arlington Heights, IL 60004

Standard Reference Number	Title	Referenced in Code Section Number
<u>540-08</u>	<u>Test Methods for Louvers Impacted by Wind Borne Debris</u>	<u>1609.1.2.1</u>
<u>230-15</u>	<u>Laboratory Methods of Testing Air Circulating Fans for Rating and Certification</u>	<u>2801.5</u>

UL

Underwriters Laboratories, Inc.
333 Pfingsten Road
Northbrook, IL 60062-2096

Standard Reference Number	Title	Referenced in Code Section Number
<u>507-99 9th Edition</u>	<u>Standard for Electric Fans</u>	<u>2801.5</u>

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is March 1, 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

Reason Given – This purpose of this proposal is to provide standard references for large diameter fans.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

8. Request by Patrick Keal, representing Big Ass Solutions, to amend the 2012 NC Mechanical Code, Section 929 as follows:

1 **929 High Volume Low Speed Fans.**

2 **929.1 General.** Where provided, high volume low speed fans shall be tested and labeled in accordance with
3 AMCA 230, listed and labeled in accordance with UL 507, and installed in accordance with the
4 manufacturer’s instructions.

5
6 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
7 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

8 Reason Given – This purpose of this proposal is to require large diameter fans to meet standard
9 specifications.

10 Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase
11 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
12 funds. A fiscal note has not been prepared.

13
14
15 **9. Request by Ed Johnson, representing Campus Safety Products, LLC, to amend the 2012 NC**
16 **Building Code and Fire Code, Section 1008; and the Existing Building Code, Sections 403 and 704 as**
17 **follows:**

18
19 **2012 NC Building Code**

20
21 **1008.1.4.6 Locking arrangements in educational occupancies.** In Group E and Group B educational
22 occupancies, egress doors from classrooms, offices and other occupied rooms shall be permitted to be
23 provided with locking arrangements designed to keep intruders from entering the room where all of the
24 following conditions are met:

- 25 1. The door shall be capable of being unlocked from outside the room with a key or other approved means.
26 2. The door shall be openable from within the room in accordance with Section 1008.1.9.
27 3. Modifications shall not be made to listed panic hardware, fire door hardware or door closers.
28 4. Modifications to fire door assemblies shall be in accordance with NFPA 80.

29
30 **1008.1.4.6.1 Remote operation of locks.** Remote operation of locks complying with Section 1008.1.4.6
31 shall be permitted.

32
33 **2012 NC Fire Code**

34
35 **1008.1.4.6 Locking arrangements in educational occupancies.** In Group E and Group B educational
36 occupancies, egress doors from classrooms, offices and other occupied rooms shall be permitted to be
37 provided with locking arrangements designed to keep intruders from entering the room where all of the
38 following conditions are met:

- 1 1. The door shall be capable of being unlocked from outside the room with a key or other approved means.
- 2 2. The door shall be openable from within the room in accordance with Section 1008.1.9 of the *North*
- 3 *Carolina Building Code.*
- 4 3. Modifications shall not be made to listed panic hardware, fire door hardware or door closers.
- 5 4. Modifications to fire door assemblies shall be in accordance with NFPA 80.

6

7 **2015 NC Existing Building Code**

8

9 **403.7 Locking arrangements in educational occupancies.** In Group E and Group B educational

10 occupancies, egress doors from classrooms, offices and other occupied rooms shall be permitted to be

11 provided with locking arrangements designed to keep intruders from entering the room where all of the

12 following conditions are met:

- 13 1. The door shall be capable of being unlocked from outside the room with a key or other approved means.
- 14 2. The door shall be openable from within the room in accordance with Section 1008.1.9 of the *North*
- 15 *Carolina Building Code.*
- 16 3. Modifications shall not be made to listed panic hardware, fire door hardware or door closers.
- 17 4. Modifications to fire door assemblies shall be in accordance with NFPA 80.

18

19 **704.2 Locking arrangements in educational occupancies.** In Group E and Group B educational

20 occupancies, egress doors from classrooms, offices and other occupied rooms shall be permitted to be

21 provided with locking arrangements designed to keep intruders from entering the room where all of the

22 following conditions are met:

- 23 1. The door shall be capable of being unlocked from outside the room with a key or other approved means.
- 24 2. The door shall be openable from within the room in accordance with Section 1008.1.9 of the *North*
- 25 *Carolina Building Code.*
- 26 3. Modifications shall not be made to listed panic hardware, fire door hardware or door closers.
- 27 4. Modifications to fire door assemblies shall be in accordance with NFPA 80.

28

29 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,

30 2017 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

31 Reason Given – This purpose of this amendment is to specify a means to lockdown a building during an

32 active shooter event, while allowing authorized entry and exit after the event.

33 Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase

34 in cost. This rule is not expected to either have a substantial economic impact or increase local and state

35 funds. A fiscal note has not been prepared.

36

37

1 **NOTICE:**

2 **Appeals and Interpretations** of the North Carolina State Building Codes are published online at the
3 following link.

4 [http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Code_Interpretations&user=C
5 ode_Enforcement_Resources](http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Code_Interpretations&user=Code_Enforcement_Resources)

6

7

8 **NOTICE:**

9 **Objections and Legislative Review** requests may be made to the NC Office of Administrative Hearings in
10 accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.

11 <http://www.ncoah.com/rules/>

12

13