

**Minutes of the North Carolina Building Code Council
December 12, 2011
Raleigh, NC**

All members of the North Carolina Building Code Council were present for the Council Meeting with the exception of Ed Moore.

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 12, 2012 at the North Carolina Department of Insurance, 322 Chapanoke Road, Raleigh, NC 27603, in the downstairs classroom.

Part A – Administrative Items

Item A – 0 The Chair introduced new member Scott Stevens, Goldsboro City Manager as the Municipal Government Representative.

Item A – 1 Ethics Statement: 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 August 22, 2011 NC Building Code Council Meeting.

A motion to accept the August 22nd meeting minutes was made by Tom Turner and seconded by Mack Nixon. The minutes were approved.

Item A – 3 City of Asheville Local Fire Code Ordinance

This Ordinance contains language on “fire lanes”, “key boxes”, “hazard ranking” and “building information signs” that are not in conflict with the NC Fire Code.

Motion – Alan Perdue/Second – Kim Reitterer/Approved – The request was approved.

Item A – 4 Town of Mooresville Local Fire Code Ordinance

This Ordinance contains language on “open burning” and “fire lanes” that are not in conflict with the NC Fire Code.

Motion – Alan Perdue/Second – Lon McSwain/Approved – The request was approved unanimously.

Item A – 5 Objection to deposition subpoena

Each Council member is appointed, based on their active participation in a specific area of expertise, to adopt and amend the NC State Building Codes. The NCDOI Engineering Division has the authority, in cooperation with local officials, to interpret and enforce the Codes. The Council was advised to exercise caution when providing Code advice that may be construed as legal interpretations.

Item A – 6 Rules Review Commission Meeting Report

The adopted D-Items were submitted to the Rules Review Commission on 9/19/11 for review and approval at their October meeting. There were several minor RRC Staff technical change requests that were addressed and resubmitted to the RRC on 10/20/11. There was also an RRC Staff objection to the CO Alarm requirements based on lack of statutory authority. The RRC extended the RRC Staff review period in order to allow for BCC response. My response and possible solutions need to be addressed at the December BCC meeting.

The granted B-Items were submitted to the Office of Administrative Hearings on 9/19/11 for publication in the NC Register Volume 26:08. The notice of hearing was sent the Office of State Budget and Management for approval prior to BCC adoption. OSBM has made request for further documentation that the amendments will not have a substantial economic impact. I have notified both proponents to be prepared to provide further economic substantiation at the hearing. These rules will be subject to RRC objection if not approved by OSBM prior to adoption.

The OSFM staff brought forward a problem with the printing dates for the Residential Code and the enforcement date of March 1. The delay would allow for coordination of all codes with the respective tests. The board voted to approve a delayed enforcement date.

[Note: After the meeting, attention was brought to SL2011-269 which requires enforcement of the Residential Code and the Energy Conservation Codes to start March 1st. The remaining codes will be mandatory on June 1, 2012.

Item A – 7 Public Comments

There were no comments from the public.

Part B – New Petitions for Rulemaking

The following Petitions for Rulemaking have been received since the last Council meeting. The Council will vote either to deny or grant these Petitions. The Council will give no further consideration to Petitions that are denied. Petitions that are granted may proceed through the Rulemaking process. The Council may send any Petition to the appropriate committee. The hearing will take place during or after the March 2012 meeting.

Item B – 1 Request by Kenneth K. Talton, City of Goldsboro Inspection Department, to amend the 2009 NC Plumbing Code, Section 712.3.3. The proposed amendment is as follows:

Section 712.3.3 Discharge piping. ~~Discharge piping shall meet the requirements of Section 712.2.~~ Discharge piping shall meet all of the following requirements.

1. Piping shall be listed and labeled for use as Sanitary Sewer Force Main.
2. Discharge piping shall have a minimum pressure rating of 200 PSI at 73° F.
3. Discharge piping shall be separated from water service piping by 5 feet of undisturbed or compacted earth.
4. Discharge piping shall be identified by a warning ribbon placed in the trench at least 12 inches above the piping where discharge piping is located more than 24 inches below grade.

[Note]: The above request needs to coordinate with the 2012 NC Plumbing Code.

Motion – Tom Turner/Second – Kim Reitterer/Granted – The request was granted unanimously and was referred to the Mechanical Committee for review.

[Note]: This item has been held for Public Comment at a later date.

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 December 12, 2011 and the Final Adoption meeting may take place on or after March 12, 2012. The written public comment period expires on December 16, 2011.

Item C – 1 Request by Jeremy Bertrand, with Log Homes of America, Inc., to amend the 2012 NC Residential Code, Table N1102.1. The proposed amendment is as follows:

**TABLE N1102.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a**

1. Log walls complying with ICC400 [Standard of the Design & Construction of Log Structures] and with a minimum average wall thickness of 5” or greater shall be permitted in Climate Zone 5 when overall window glazing is 0.34 U-factor or lower, and all other component requirements are met.

Jeremy Bertrand, with Log Homes of America, Inc., recommends the Council adopt this code change.

[Note]: Referred back to the Residential Committee and will be re-advertised as a C-Item on the March 2012 BCC Agenda.

Item C – 2 Request by Robert Privott, NC Home Builders Association, to amend the 2011 NC Electrical Code, Section 210.8 (A)(7). The proposed amendment is as follows:

Section 210.8 (A)(7)

(7) Laundry, utility, and wet bar sinks – where the receptacles are installed within 1.8 m (6 ft) of the outside edge of the sink

Robert Privott, with NC Home Builders Association, asked to withdraw this code change.

[Note]: The Electrical Committee will give no further consideration to this item.

Item C – 3 Request by Robert Privott, NC Home Builders Association, to amend the 2011 NC Electrical Code, Section 210.12(B). The proposed amendment is as follows:

Section 210.12 (B)

~~(B) Branch Circuit Extensions or Modifications—Dwelling Units. In any of the areas specified in 210.12 (A), where branch circuit wiring is modified, replaced, or extended, the branch circuit shall be protected by one of the following:~~

- ~~(1) A listed combination type AFCI located at the origin of the branch circuit~~
- ~~(2) A listed outlet branch circuit type AFCI located at the first receptacle outlet of the existing branch circuit~~

Robert Privott, with NC Home Builders Association, recommends the Council adopt this code change.

[Note]: Referred back to the Electrical Committee.

Item C – 4 Request by Robert Privott, NC Home Builders Association, to amend the 2011 NC Electrical Code, Section 210.52(I). The proposed amendment is as follows:

Section 210.52(I) Required Outlets

~~(I) — **Foyers.** Foyers that are not part of a hallway in accordance with 210.52(H) and that have an area that is greater than 5.6m² (60 ft²) shall have a receptacle(s) located in each wall space 900 mm (3 ft) or more in width and unbroken by doorways, floor-to-ceiling windows and similar openings.~~

Robert Privott, with NC Home Builders Association, would like to continue the discussion on this code change with the Administration and Electrical Committees.

John Menick, with NC Electrical Association, recommends the Council adopt this code change.

[Note]: Referred back to the Electrical Committee to amend wording.

Item C – 5 Request by Robert Privott, NC Home Builders Association, to amend the 2011 NC Electrical Code, Section 404.2 (C). The proposed amendment is as follows:

Section 404.2 (C) Switches Controlling Lighting Loads

(C) Occupancy Sensor Switches Controlling Lighting Loads.

Robert Privott, with NC Home Builders Association, would like to continue the discussion on this code change with the Administration and Electrical Committees.

[Note]: Referred back to the Electrical Committee to amend wording.

Item C – 6 Request by Robert Privott, NC Home Builders Association, to amend the 2011 NC Electrical Code, Section 406.4 (D)(4). The proposed amendment is as follows:

Section 406.4 (D)(4) Arc-Fault Circuit-Interrupter Protection

~~**406.4(D)(4) Arc-Fault Circuit-Interrupter Protection.** Where a receptacle outlet is supplied by a branch circuit requires arc fault circuit interrupter protection as specified elsewhere in this code, a replacement receptacle at this outlet shall be one of the following:~~

- ~~1. A listed outlet branch circuit type arc fault circuit interrupter receptacle.~~
- ~~2. A receptacle protected by a listed outlet branch circuit type arc fault circuit interrupter type receptacle.~~
- ~~3. A receptacle protected by a listed combination type arc fault circuit interrupter type circuit breaker~~

~~This requirement becomes effective January 1, 2014.~~

Robert Privott, with NC Home Builders Association, recommends the Council adopt this code change.

[Note]: Referred back to the Electrical Committee.

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.

Item D – 1 The Rules Review Commission objected to the existing CO Alarm rule based on lack of statutory authority. Further Council action is required to address the objection.

[Note]: Option #1 Reduce the scope of the rules to “dwelling units having fossil-fuel burning heater, appliance, or fireplace, and in any dwelling unit having an attached garage.”

Option #2 Present the case of statutory authority to the Rules Review Commission.

Motion – Bob Ruffner/Second – Al Bass/Granted – Motion was to send Option #1 to the Rules Review Commission.

Part E – Reports

Chairman’s Report

No Report

Ad Hoc Committee Reports

-Leon Skinner, 2012 NC Existing Building Code Ad Hoc Committee Chair, charged that the Committee has held two meetings. He stated that the Council approved this Committee to look at adopting the 2012 ICC Existing Building Code with NC amendments in an effort to do away with the 1995 edition of the NC Existing Building Code and combine the 2009 NC Rehabilitation Code into the manual. Mr. Skinner stated that the goal of this committee is to create a code that will allow the reuse of buildings, but also be cost friendly and not compromise life safety issues for the citizens of North Carolina. The committee has reached the Seismic portion of the Code and they are planning on meeting again January 6th and sometime in the month of February to hopefully overcome this obstacle.

Standing Committee Reports

-Kim Reitterer, Electrical Committee Chair, reported that the committee met in November. She announced that the committee would meet briefly after the Council meeting.

-David Smith, Residential Standing Committee Chair, reported that the committee met on November 17th along with the Ad Hoc committee. He reported that the committee spent most of the meeting discussing the Vinyl Siding Distortion issue. Mr. Smith stated that the committee heard new and different testimony coming from the Window and Door Manufacturer’s Association and presentations from the Vinyl Siding Institute. No action was taken on these issues but the committee told groups concerned that the Council would be looking at them at the March Council Meeting.

Staff Reports

-Chris Noles reported that two Staff members retired from the Engineering Division since the last Council Meeting. They are Janie Sutton, who is being replaced by Dan Dittman, and Henry Webster, who is being replaced by Bill Moeller.

Public Comments

There were no comments from the public.

Part F – Appeals – Charlie Horne/Chatham County Board of Commissioners – NCBC

This appeal will not proceed unless it is returned to the Council by petition of both parties.

Sincerely,



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