

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, Fire, Building, Mechanical,*
9 *Existing Building, Residential, and Energy Codes amendments.*

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, June 8, 2021, 9:00AM, Albemarle Building, 325 North Salisbury Street,*
18 *Raleigh, NC 27603, 2nd Floor Training Room 240. Comments on both the proposed rule and any fiscal*
19 *impact will be accepted.*

20

21 **Comment Procedures:** *Written comments may be sent to Carl Martin, Secretary, NC Building Code*
22 *Council, NC Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202. Comments on*
23 *both the proposed rule and any fiscal impact will be accepted. Comment period expires on July 16, 2021.*

24

25 **Link to Agency Notice:**

26 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice>

27

28 **Statement of Subject Matter:**

29

30 **1. Request from Carl Martin representing the Department of Insurance to amend the 2018 NC**
31 **Administration Code, Chapters 1, 2, and 3.**

32

33 **106.1 Permit required.** *A current permit is required for all work described in the technical codes unless*
34 *specifically exempted by the North Carolina General Statutes or the technical codes.*

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36 *Commentary: Reference North Carolina General Statutes 153A-357 and 160A-417 Statute 160D-1110*
37 *for exceptions.*

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106.2.3 Review and approval. When the inspection department issues a permit, it shall approve, in writing or by stamp, all sets of drawings and specifications “Reviewed for Code Compliance”.

Exception: Nothing in this section shall require the review and approval of one- and two-family dwelling plans.

Commentary: Drawings and specifications shall be kept in a manner prescribed by North Carolina General Statutes ~~153A-373 and 160A-433~~ Statute 160D-1126.

202.9.1 Engineering division. A written technical interpretation shall be provided as specified in Section ~~203.1.2.1.2~~ 203.2.1.2. Any person may appeal in writing an order, decision or determination pertaining to the code or any state building law by filing written notice with the Commissioner of Insurance or his designee within 10 days after the order, decision or determination. A copy of the appeal shall be furnished to each party.

(General Statutes 143-140, ~~153A-374 and 160A-434~~ and 160D-1127)

202.9.2.2 The Notice or Appeal shall be received no later than 30 days from the date of the decision of the State enforcement agency. (General Statute 143-141).

203.1.1.3 Buildings within primary fire limits. The Commissioner of Insurance or his or her designee shall review all permits to erect, alter, repair or move any wood-frame building or structure within the primary fire district of a municipality. Such permits shall be received and approved by the Inspection Department and approved by the Municipal Council prior to the Commissioner or his or her designee’s approval.

(General Statutes ~~153A-375 and 160A-436~~ Statute 160D-1128)

203.2.2 Appeals. Any person may appeal in writing an order, decision or determination of a code enforcement official pertaining to the code or any state building law. The appeal shall be addressed to the Chief Engineer for the Department of Insurance by filing written notice within 10 days after the order, decision or determination. The appeal shall contain the type and size of the building in question, the location of the building and shall reference the code sections in question. The decision shall be in writing and shall set forth the facts found. The decision rendered shall be based on the technical provisions of the code, public health and safety and shall be construed liberally to those ends. A decision shall be binding on all parties unless an appeal is submitted to the Building Code Council as specified in Section ~~201.9.2~~

202.9.2. A copy of the appeal and written decision shall be furnished to each party.

(General Statutes ~~153A-374 and 160A-434~~ Statute 160D-1127)

1 **204.1 General.** The powers, duties and responsibilities of the code enforcement official are generally
2 described in ~~the following General Statutes: 1. GS153A-352 for counties, and 2. GS160A-412 for cities~~
3 Statute 160D, Article 11.

4
5 **204.2.2 Jurisdiction.** A municipal inspection department shall have jurisdiction over all areas within the
6 city limits, all extraterritorial areas that the city has jurisdiction pursuant to state laws, and over any areas in
7 which the municipal limits have contracted with another unit of government to perform code enforcement.
8 A county inspection department shall have jurisdiction over all unincorporated areas outside any municipal
9 jurisdiction located within the county, all areas in which a municipality has requested the county to enforce
10 the code, and within the jurisdiction of another unit of government in which the county has contracted to
11 perform code enforcement. A joint inspection department created by two or more units of government shall
12 have the authority to enforce the code in all areas of legal jurisdiction of all units of government supporting
13 the joint department.

14 (~~General Statutes 153A-352 and 153A-353 for counties, and 160A-411 and 160A-413 for cities~~ 160D-1104
15 and 160D-1107)

16
17 **204.2.3 Duties.** Inspection departments shall:

- 18 1. Receive applications and supporting data for permits;
- 19 2. Issue or deny permits;
- 20 3. Make all necessary inspections to ensure code compliance;
- 21 4. Identify technical provisions found to be inconsistent with the inspection;
- 22 5. Issue or deny certificates of compliance and certificates of occupancy;
- 23 6. Issue stop work orders or orders to correct violations;
- 24 7. Maintain adequate records of permits issued or denied, inspections made, corrections ordered and
25 certifications issued; and
- 26 8. Take other actions that may be required to adequately enforce the code.

27 (~~General Statutes 153A-352 and 160A-412~~ Statute 160D-1104)

28
29 **204.2.4 Code enforcement official's qualifications.** No state or local government employee shall enforce
30 any provision of the North Carolina State Building Codes who does not possess an appropriate valid
31 certificate issued by the North Carolina Code Official's Qualification Board as specified in General
32 Statutes ~~143-151.13, 153A-351.1 and 160A-411.1~~ and 160D-1103.

33
34 **204.2.5 Conflict of interest.** Information about conflict of interest for code enforcement officials can be
35 found in General Statutes ~~153A-355 for counties and 160A-415 for cities~~ Statute 160D-1108.

36

1 **204.2.6 Right of entry.** The code enforcement official shall have the right to enter buildings or premises as
2 described in General Statutes ~~153A-360 and 153A-364 for counties, and 160A-420 and 160A-421 for cities~~
3 160D-1113 and 160D-1117.

4
5 **204.2.7 Stop work orders.** General Statute ~~153A-361~~ 160D-404 authorizes a ~~county~~ code enforcement
6 official to issue stop work orders. ~~General Statute 160A-421 authorizes a city code enforcement official to~~
7 ~~issue stop work orders. These statutes describe~~ The statute describes when a stop work order can be issued,
8 and how the stop work order is to be issued, and how the stop work order may be appealed. See Section
9 204.10 for appeal of stop work orders.

10
11 **204.2.8 Unsafe building or systems.** A ~~county~~ code enforcement official's authority to condemn an unsafe
12 building is found in General Statute ~~153A-366~~ 160D-1119. ~~A city code enforcement official's authority to~~
13 ~~condemn an unsafe building is found in General Statute 160A-426.~~

14
15 **204.3.1 General.** No person may commence or proceed with:

- 16 1. The construction, reconstruction, alteration, repair, movement to another site, removal or demolition of
- 17 any building;
- 18 2. The installation, extension or general repair of any plumbing system;
- 19 3. The installation, extension, alteration or general repair of any heating or cooling equipment system; or
- 20 4. The installation, extension, alteration or general repair of any electrical wiring, devices, appliances or
- 21 equipment without first securing from the Inspection Department with jurisdiction over the site of the work
- 22 each permit required by the North Carolina State Building Codes and other State or local law or local
- 23 ordinance or regulation applicable to the work.

24 (General Statute ~~153A-357 and 160A-417~~ 160D-1110)

25 **204.3.2 Validity.** In accordance with General Statutes ~~153A-358 for counties and 160A-418 for cities~~
26 Statute 160D-1111, a permit expires 6 months, or any lesser time fixed by local ordinances, after the date of
27 issuance if the work authorized by the permit has not been commenced. If, after commencement, the work
28 is discontinued for a period of 12 months, the permit immediately expires. No work authorized by a permit
29 that has expired may be performed until a new permit has been issued.

30
31 **204.3.6 Contractor license required.** When the General Statutes require that general construction,
32 plumbing, mechanical, electrical, fire protection or gas work be performed by an appropriately licensed
33 individual, no permit for such type work shall be issued to an unlicensed person or firm. Additional
34 requirements may be found in General Statutes 87-14, 87-21(e), 87-43.1, 87-58, 153A-134, ~~153A-357,~~
35 160A-194 and ~~160A-417~~ 160D-1110.

36

1 **204.4.1 Action on permits.** In accordance with General Statute ~~153A-357 for counties and General Statute~~
2 ~~160A-417 for cities~~ 160D-1110, the Inspection Department shall examine each application for a permit to
3 determine if it is in compliance with the requirements of the technical codes and other pertinent laws and
4 ordinances. If the inspection department is satisfied that the work described in the application conforms to
5 the requirements of the technical codes and other pertinent laws and ordinances, it shall issue a permit to
6 the applicant. If the application does not conform to the requirements of the technical codes and other
7 pertinent laws and ordinances, the application shall be returned to the applicant with the reasons for refusal
8 stated.

9 (General Statutes ~~153A-352, 160A-412 and 160A-417~~ 160D-1104 and 160D-1110)
10

11 **204.5.2 Permit intent.** A permit issued shall be construed as permission to proceed with the work and not
12 as authority to violate, cancel, alter or set aside any of the provisions of the technical codes. Issuance of a
13 permit shall not prevent the inspection department from requiring correction of errors in plans, construction
14 or violations of this code.

15 (General Statutes ~~153A-357 and 160A-417~~ Statute 160D-1110)
16

17 **204.5.3.2 Violation of code provisions.** The code enforcement official may revoke a permit upon
18 determination that the work for which the permit was issued is in violation of, or not in conformity with,
19 the provisions of this or the technical codes.

20 (General Statute ~~153A-362, 160A-422~~ 160D-1115)
21

22 **204.6.1 Fees.** A permit shall not be issued until the fees prescribed by the local governing authority have
23 been paid. No amendment to a permit shall be released until the additional fee, if any, has been paid.

24 (General Statutes ~~153A-354 and 160A-414~~ Statute 160D-402)
25

26 **204.6.2 Work commencing before permit issuance.** If any person commences any work on a building or
27 service systems before obtaining the necessary permit, he or she shall be subject to a penalty as established
28 by the local governing body.

29 (General Statutes ~~153A-354 and 160A-414~~ Statute 160D-402)
30

31 **204.7.1 Periodic inspections for hazardous or unlawful conditions.** The inspection department shall
32 make periodic inspections as specified in General Statutes ~~153A-364 for counties and 160A-424 for cities~~
33 Statute 160D-1117.

34
35 **204.8.1 Building occupancy.** A new building shall not be occupied, or a change made in the occupancy,
36 nature or use of a building or part of a building until after the inspection department has issued a certificate
37 of compliance. The certificate of compliance shall not be issued until all required service systems have

1 been inspected for compliance with the technical codes and other applicable laws and ordinances and
2 released by the inspection department.

3 (~~General Statutes 153A-363 and 160A-423~~ Statute 160D-1116)

4
5 **204.8.2 Certificate of compliance.** Upon satisfactory completion of a building, plumbing, mechanical,
6 electrical, fire protection or gas system, or portion thereof, a certificate of compliance shall be issued. The
7 certificate of compliance represents that a structure or system is complete and for certain types of permits is
8 permission granted for connection to a utility system. The certificate of compliance shall not be construed
9 to grant authority to occupy a building.

10 (~~General Statutes 153A-363 and 160A-423~~ Statute 160D-1116)

11
12 **204.8.3 Temporary/partial occupancy.** A temporary/partial certificate of compliance may be issued
13 permitting occupancy for a stated period for specific portions of a building or service system that the
14 inspector finds safe for occupancy prior to final completion of the entire building or system.

15 (~~General Statutes 153A-363 and 160A-423~~ Statute 160D-1116)

16
17 **204.9.2 Temporary connection.** The inspection department may authorize the temporary connection of the
18 building or system to the utility source of energy, fuel or power for the purpose of testing building service
19 systems.

20 (~~General Statutes 153A-363 and 160A-423~~ Statute 160D-1116)

21
22 **204.10 Appeal of stop ~~Stop~~ work orders.** Whenever a stop order has been issued by an inspection
23 department involving alleged violations of the State Building Codes, the owner or builder may appeal in
24 writing to the Commissioner of Insurance, or his or her designee, within 5 days after the date the order is
25 issued, with a copy of the appeal to the inspection department. No further work may take place in violation
26 of a stop order. The Commissioner, or his or her designee, shall promptly conduct an investigation. The
27 inspection department and the owner or builder shall be permitted to submit relevant evidence for the
28 investigation. The Commissioner of Insurance, or his or her designee, shall provide a written statement of
29 the decision setting forth the facts found, the decision reached and the reasons for the decision. In the event
30 of dissatisfaction with the decision, the person affected shall have the option of appealing as set forth in
31 Section 203.1.2.

32 (~~General Statutes 153A-361 and 160A-421~~ Statute 160D-1114)

33
34 **204.14 Code enforcement official not fulfilling responsibilities.** When the code enforcement official does
35 not fulfill his responsibilities as specified in Section 204.13, the Commissioner of Insurance or his designee
36 may institute any appropriate actions or proceedings available.

37 (~~General Statutes 14-230, 14-231, 14-232, 153A-356 and 160A-41~~ 160D-1109)

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**CHAPTER 3 REPRINT OF THE GENERAL STATUTES PERTAINING TO THE
ENFORCEMENT OF THE NORTH CAROLINA STATE BUILDING CODE**

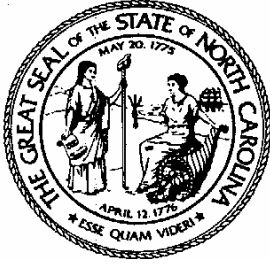
The North Carolina State Building Codes do not include all additional requirements for buildings and structures that may be imposed by other State agencies, occupational licensing boards and commissions. It shall be the responsibility of a permit holder, design professional, contractor or occupational license holder to determine whether any additional requirements exist.

The current language of the General Statutes may be viewed at www.ncleg.gov.

The following list, while extensive, may not include all applicable General Statutes.

- 1-539.2 Dismantling portion of building
- 14-68 Failure of owner of property to comply with orders of public authorities
- 14-228–232 Misconduct in public office
- 14-414 Pyrotechnics defined; exceptions
- 15-27.2 Administrative search and inspection warrants
- 42 Article 5 Landlord Tenant
- 58-2-95 Commissioner to supervise local inspectors
- 58-31-40 Commissioner to inspect state property; plans submitted
- 58-79-20 Inspection of premises; dangerous material removed
- 66-23–27 Electrical materials, devices, appliances and equipment
- 83A-1–13 Architects
- 87-1–15 General contractors
- 87-21 Plumbing, heating and fire sprinkler contractor
- 87-43 Electrical contractors
- 87-57–58 Refrigeration contractors
- 89C-3–23 Engineers
- 95-69 Uniform boiler and pressure vessel act
- 105-130–151 Accessibility tax credit
- 106-581.1 Agriculture Defined
- 115C-525 Public schools
- 119 Article 5 Liquefied petroleum gases
- 130A-336–339 Wastewater system construction
- 133-1–4 Public works
- 143-135.1 Inspection of state owned buildings
- 143-136–143 Building Code Council and Building Code

- 1 143-141 Appeals to Building Code Council
- 2 143-151.8-21 Code officials qualification board
- 3 143-151.42 Prohibition of master meters for electric and natural gas service
- 4 143-151.43-64 North Carolina home inspector board
- 5 150B-18-21 Administrative Procedures Act
- 6 ~~153A-97-375 Counties~~
- 7 ~~160A-167-438 Cities~~
- 8 160D Article 11 Building Code Enforcement



APPENDIX E
 APPEALS
 NORTH CAROLINA
 BUILDING CODE COUNCIL
 325 North Salisbury Street, Room 5_44
 Raleigh, North Carolina 27603
 (919) 647-0009

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APPEAL TO NCDOI/NCBCC Hearing Date_____/_____/_____

~~GS 153A-374, GS 160A-434~~ 160D-1127

GS 143-140, GS 143-141

Formal Interpretation by NCDOI _____

Appeal of Local Decision to NCBCC _____

Appeal of Local Decision to NCDOI _____

Appeal of NCDOI Decision to NCBCC _____

APPELLANT _____ PHONE: (_____) _____ - _____ x

REPRESENTING: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

E-MAIL: _____ FAX: (_____) _____ - _____

North Carolina State Building Code, Volume _____ - Section _____

REQUEST ONE: [] Formal Interpretation by NCDOI [] Appeal of Local Decision to NCBCC

[] Appeal of Local Decision to NCDOI [] Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

REASON: _____

APPEAL TO

NCDOI/NCBCC

Signature: _____ Date: _____

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Motion/Second/Approved – The request was granted. The proposed effective date of this rule is September 1, 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

Reason Given – The purpose of this amendment is to update the code to reflect changes in referenced NC Statutes.

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.

2. Request by Wayne Hamilton representing the NC Building Code Council Tent Ad-hoc Committee to amend the 2018 NC Fire Code, Section 3103.4.

3103.4 Permits. Permits shall be required as set forth in Sections 105.6 and 105.7. The fire code official shall refer the permit applicant to the appropriate agency for other applicable occupational licensing or construction permitting requirements.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is September 1, 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2022).

Reason Given – The purpose of this amendment is to make permit applicants aware of possible additional licensing or construction permitting requirements.

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.

3. Request from Bryan Dale Robinson representing the City of Raleigh to amend the 2018 NC Building Code, Section 1004.2.

1004.2 Increased Occupant Load – Where approved by the Building Official, the occupant load permitted in any building, or portion thereof, is permitted to be increased from the number established for the occupancies in Table 1004.1.2, provided that all other requirements of the code are met based on such modified number and the occupant load does not exceed one occupant per 7 square feet (0.65 m²) of occupiable floor space. Where required by the *building official*, an *approved aisle*, seating or fixed

1 equipment diagram substantiating any increase in *occupant load* shall be submitted. Where required by the
2 *building official*, such diagram shall be posted.

3
4 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is
5 September 1, 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1,
6 2022).

7 **Reason Given** – The purpose of this amendment is to clarify that building official approval is required to
8 increase occupant loading.

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

12
13
14 **4. Request from Drew Crawford representing DIYtiny, INC to add to the 2018 NC Building Code,**
15 **Section 101.2.6 and amend Section 202.**

16
17 101.2.6 A Tiny House shall be constructed in accordance with the *International Residential Code* and shall
18 be separated in accordance with Table 602.

19
20 **Section 202 Definitions**

21 TINY HOUSE. A detached single-family dwelling that is 400 square feet (37 m²) or less in floor area,
22 excluding lofts.

23
24 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is
25 September 1, 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1,
26 2022).

27 **Reason Given** – The purpose of this amendment is to align NC Building Code and NC Residential Code
28 construction of tiny homes.

29 **Fiscal Statement** – This rule is anticipated to provide a slight decrease in cost. This rule is not expected to
30 either have a substantial economic impact or increase local and state funds. A fiscal note has not been
31 prepared.

32
33
34 **5. Request from Drew Crawford representing DIYtiny, INC to amend the 2018 NC Residential**
35 **Code, Sections R202, R305 and R328.**

36

1 **101.2.6** A Tiny House shall be constructed in accordance with the *International Residential Code* and shall
2 be separated in accordance with Table 602.

3
4 **Section R202 Definitions**

5 TINY HOUSE A detached single-family *dwelling* that is 400 square feet (37 m²) or less in floor area
6 excluding lofts.

7 **R305.1 Minimum height.** *Habitable space*, hallways and portions of *basements* containing these spaces
8 shall have a ceiling height of not less than 7 feet (2134 mm). Bathrooms, toilet rooms and laundry rooms
9 shall have a ceiling height of not less than 6 feet 8 inches (2032 mm).

10 **Exceptions:**

11 1. For rooms with sloped ceilings, the required floor area of the room shall have a ceiling height of not less
12 than 5 feet (1524 mm) and not less than 50 percent of the required floor area shall have a ceiling height of
13 not less than 7 feet (2134 mm).

14 2. The ceiling height above bathroom and toilet room fixtures shall be such that the fixture is capable of
15 being used for its intended purpose. A shower or tub equipped with a showerhead shall have a ceiling
16 height of not less than 6 feet 8 inches (2032 mm) above an area of not less than 30 inches (762 mm) by 30
17 inches (762 mm) at the showerhead.

18 3. Beams, girders, ducts or other obstructions in *habitable space* shall be permitted to project to within 6
19 feet 4 inches (1931 mm) of the finished floor.

20 4. Ceiling heights in lofts are permitted to be less than 6 feet 8 inches.

21 5. Kitchens shall have a ceiling height of not less than 6 feet 8 inches in a *tiny house*.

22
23 **R328.1.2 Maximum area.** *Lofts* shall have a floor area not greater than ~~70~~ 100 square feet (~~6.50~~ 9.29 m²).

24
25 **R328.1.3 Minimum horizontal dimensions.** *Lofts* shall not be less than 5 feet (1524 mm) in any
26 horizontal dimension.

27
28 **R328.2 Loft access and egress.** The access to and primary egress from *lofts* shall be any type described in
29 Sections R328.2.1 through R328.2.4. The *loft* access and egress elements along its required minimum
30 width, shall meet the *loft* where its ceiling height is not less than 3 feet (914mm).

31
32 **R328.2.1.2 Headroom.** The headroom ~~in~~ above *stairways* accessing a *loft* shall be not less than 6 feet 2
33 inches (1880 mm), as measured vertically, from a sloped line connecting the tread ~~to~~ landing, or landing
34 platform nosings in the ~~middle~~ center of their width, and vertically from the landing platform along the
35 center of its width.

36

1 **R328.2.1.4 Landings.** Intermediate landings and landings at the bottom of *stairways* shall comply with
2 Section R311.7.6, except that the depth in the direction of travel shall be not less than 24 inches (610 mm).
3

4 ~~R328.2.1.4~~ **R328.2.1.5 Landing platforms.** The top tread and riser of stairways accessing *lofts* shall be
5 constructed as a landing platform where the *loft* ceiling height is less than 6 feet 2 inches (1880 mm) where
6 the *stairway* meets the loft. The landing platform shall be ~~18 inches to 22 inches (457 to 559)~~ not less than
7 20 inches (508 mm) in width and in depth measured horizontally from and perpendicular to the nosing of
8 the landing platform. The landing platform riser height to the edge of the loft, and 16 to floor shall be not
9 less than 16 inches (406 mm) and not greater than 18 inches ~~(406 to 457 mm)~~ in height measured from the
10 landing platform to the loft floor.

11
12 ~~R328.2.1.5~~ **R328.2.1.6 Handrails.** *Handrails* shall comply with Section R311.7.8.
13

14 ~~R328.2.1.6~~ **R328.2.1.7 Stairway guards.** *Guards* at open sides of *stairways*, landings and landing
15 platforms shall comply with Section R312.1.
16

17 **R328.2.2.1 Size and capacity.** Ladders accessing lofts shall have a rung width of not less than 12 inches
18 (305 mm) and 10 inches (254 mm) to 14 inches (356 mm) spacing between rungs. Ladders shall be capable
19 of supporting a ~~200~~ 300 pound (~~75~~ 136 kg) load on any rung. Rung spacing shall be uniform within 3/8-
20 inch (9.5 mm).
21

22 **R328.2.5 Loft Guards.** *Loft guards* shall be located along the open ~~side~~ sides of *lofts*. *Loft guards* shall not
23 be less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.
24 Loft guards shall comply with Section R312.1.3 and Table R301.5 for their components.
25

26 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is
27 September 1, 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1,
28 2022).

29 **Reason Given** – The purpose of this amendment is to align NC Residential Code with Appendix Q of the
30 2018 International Residential Code.

31 **Fiscal Statement** – This rule is anticipated to provide a slight decrease in cost. This rule is not expected to
32 either have a substantial economic impact or increase local and state funds. A fiscal note has not been
33 prepared.
34

35
36 **6. Request from Kerry Sutton representing American Concrete Institute (ACI), Dave Tepke**
37 **representing ACI Carolinas Chapter, Mark LeMay representing International Concrete Repair**

1 **Institute (ICRI), Bill Brickey representing ICRI Carolinas Chapter, Keith Kesner representing**
2 **CVM, Tim Cooke representing SKA Consulting Engineering, and Douglas Allen representing**
3 **Simpson Strong-Tie to add 2018 NC Existing Building Code, Section 606.1.1 and amend Chapter 16.**

4
5 **606.1.1 Repairs to structural concrete.** Repairs to structural concrete elements in accordance with ACI
6 562 shall be permitted.

7 **Exceptions:**

- 8 1. Where seismic design governs, ACI 562 shall not be used for evaluation and design.
9 2. Dwellings and accessory buildings constructed under the NC Residential Code.

10
11 **Chapter 16 Referenced Standards**

12 ACI 562-16: Code Requirements for Assessment, Repair, and Rehabilitation of Existing Concrete
13 Structures 606.1.1

14
15 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is
16 September 1, 2021 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1,
17 2022).

18 **Reason Given** – The purpose of this amendment is to establish a viable standard for repair of structural
19 concrete.

20 **Fiscal Statement** – This rule is anticipated to provide a slight decrease in cost. This rule is not expected to
21 either have a substantial economic impact or increase local and state funds. A fiscal note has not been
22 prepared.

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25 **NOTICE:**

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

28 <https://www.ncosfm.gov/codes/codes-current-and-past>

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31 **NOTICE:**

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

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