

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

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3                                   **NORTH CAROLINA BUILDING CODE COUNCIL**

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

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8   **Citation to Existing Rule Affected by this Rule-Making:** *North Carolina, Administrative, and*  
9 *Residential, Code amendments.*

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

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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 14, 2022, 9:00AM, Albemarle Building, 325 North Salisbury Street,*  
18 *Raleigh, NC 27603, 2<sup>nd</sup> 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 (email*  
23 *carl.martin@ncdoi.gov). Comments on both the proposed rule and any fiscal impact will be accepted.*  
24 *Comment period expires on July 15, 2022.*

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26 **Link to Agency Notice:**  
27 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notices>

28  
29 **Statement of Subject Matter:**

30  
31 **1. Request by Carl Martin representing NC Department of Insurance to amend the 2018 NC**  
32 **Residential Code, Sections R101.2 and R202 as follows:**

33  
34 **R101.2 Scope.**

35 The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the  
36 construction, *alteration*, movement, enlargement, replacement, repair, *equipment*, use and occupancy,  
37 location, removal and demolition of detached one- and two-family dwellings and *townhouses* not more than

1 three stories above *grade plane* in height with a separate means of egress, and their *accessory structures*  
2 not more than three stories above *grade plane* in height. Single family dwellings otherwise permitted by  
3 this code shall include *bed and breakfast homes*.

4 **Exceptions:**

5 1. Live/work units ~~located in townhouses~~ and complying with the requirements of Section 419 of the  
6 *International Building Code* shall be permitted to be built as one- and two- family *dwellings* or townhouses.  
7 Fire suppression required by Section 419.5 of the *International Building Code* where constructed under the  
8 *International Residential Code for One- and Two-family Dwellings* shall conform to Section P2904.

9 2. Deleted.

10  
11 **Section R202 DEFINITIONS**

12 **LIVE/WORK UNIT.** *A dwelling unit in which more than 10 percent and less than 50 percent of the space*  
13 *includes a nonresidential use that is operated by the tenant.*

14  
15 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is  
16 September 1, 2022 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1,  
17 2023).

18 **Reason Given** – The purpose of the amendment is to define the term “live/work” unit and how the term  
19 applies to the NC Residential Code. Because this amendment is a clarification of code intent there would be  
20 no additional cost or savings.

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

24  
25  
26 **2. Request from Carl Martin representing NC Department of Insurance to amend the 2018 NC**  
27 **Residential Code, Section R101.2 and Table R302.1; the 2018 NC Building Code Table 602 and**  
28 **Section 903.2.8; and the 2018 NC Fire Code, Section 903.2.8 as follows:**

29  
30 **NCRC:**

31 **R101.2 Scope.**

32 The provisions of the *International Residential Code for One- and Two-family Dwellings* shall apply to the  
33 construction, *alteration*, movement, enlargement, replacement, repair, *equipment*, use and occupancy,  
34 location, removal and demolition of one or more detached one- and two-family dwellings and *townhouses*  
35 located on a parcel not more than three stories above *grade plane* in height with a separate means of egress,  
36 and their *accessory structures* not more than three stories above *grade plane* in height. Single family  
37 dwellings otherwise permitted by this code shall include *bed and breakfast homes*.

1 **Exceptions:**

2 1. Live/work units located in *townhouses* and complying with the requirements of Section 419 of the  
 3 *International Building Code* shall be permitted to be built as one- and two- family *dwelling*s or townhouses.  
 4 Fire suppression required by Section 419.5 of the *International Building Code* where constructed under the  
 5 *International Residential Code for One- and Two-family Dwellings* shall conform to Section P2904.

6 2. Deleted.

7  
 8 **NCRC:**

9 **Section R202 DEFINITIONS**

10 **TOWNHOUSE.** A single-family *dwelling unit* constructed in a group of two or more attached units  
 11 separated by property lines or assumed property lines in which each unit extends from foundation to roof  
 12 and with yard or public way on not less than two sides.

13  
 14 **NCRC:**

15 **TABLE R302.1**

16 **EXTERIOR WALLS**

17

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 3 feet < 5 feet <sup>a</sup>
	Not fire-resistance rated	0 hours	≥ 3 feet ≥ 5 feet <sup>a</sup>
Projections	Fire-resistance rated	1 hour on the underside	< 3 feet < 5 feet <sup>a</sup>
	Not fire-resistance rated	0 hours	≥ 3 feet ≥ 5 feet <sup>a</sup>
Openings in walls	Not allowed	N/A	< 3 feet < 5 feet <sup>a</sup>
	Unlimited	0 hours	≥ 3 feet ≥ 5 feet <sup>a</sup>
Penetrations	All	Comply with Section R302.4	< 3 feet < 5 feet <sup>a</sup>
		None required	≥ 3 feet ≥ 5 feet <sup>a</sup>

18 For SI: 1 foot = 304.8 mm.

19 N/A = Not Applicable.

20 a. Fire separation distance requirement for multiple dwellings on a single parcel.

21

22 **NCBC:**

1 **TABLE 602**  
 2 **FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE**  
 3 **SEPARATION DISTANCE<sup>a,d,g</sup>**  
 4

FIRE SEPARATION DISTANCE = X (feet)	TYPE OF CONSTRUCTION	OCCUPANCY GROUP H <sup>e</sup>	OCCUPANCY GROUP F-1, M, S-1 <sup>f</sup>	OCCUPANCY GROUP A, B, E, F-2, I, R <sup>ij</sup> , S-2, U <sup>h</sup>
$X < 5^b$	All	3	2	1
$5 \leq X < 10$	IA Others	3 2	2 1	1 1
$10 \leq X < 30$	IA, IB IIB, VB Others	2 1 1	1 0 1	1 <sup>c</sup> 0 1 <sup>c</sup>
$X \geq 30$	All	0	0	0

5 For SI: 1 foot = 304.8 mm.

6 a. Load-bearing exterior walls shall also comply with the fire-resistance rating requirements of Table 601.

7 b. See Section 706.1.1 for party walls.

8 c. Open parking garages complying with Section 406 shall not be required to have a fire-resistance rating.

9 d. The fire-resistance rating of an exterior wall is determined based upon the fire separation distance of the  
 10 exterior wall and the story in which the wall is located.

11 e. For special requirements for Group H occupancies, see Section 415.6.

12 f. For special requirements for Group S aircraft hangars, see Section 412.4.1.

13 g. Where Table 705.8 permits nonbearing exterior walls with unlimited area of unprotected openings, the  
 14 required fire-resistance rating for the exterior walls is 0 hours.

15 h. For a building containing only a Group U occupancy private garage or carport, the exterior wall shall not  
 16 be required to have a fire-resistance rating where the fire separation distance is 5 feet (1523 mm) or greater.

17 ~~i. For Group R-3 detached one- and two-family dwellings of any construction type and not more than three~~  
 18 ~~stories above grade plane in height with a separate means of egress, a fire separation distance of 5 feet or~~  
 19 ~~less shall be 1-hour fire resistant rated and shall be 0-hour fire resistant rated for distances greater than 5~~  
 20 ~~feet.~~

21 ~~j. For Group R-3 attached one- and two-family dwellings of any construction type separated with fire walls~~  
 22 ~~complying with Section 706, containing no other occupancy classification, and not more than three stories~~  
 23 ~~above grade plane in height with a separate means of egress, a fire separation distance of 5 feet or less shall~~  
 24 ~~be 1-hour fire resistant rated and shall be 0-hour fire resistant rated for distances greater than 5 feet.~~

25

26 **NCBC:**

1 **903.2.8 Group R.** An *automatic sprinkler system* installed in accordance with Section 903.3 shall be  
2 provided throughout all buildings with a Group R *fire area*, except as provided for in Section 903.2.8.5.

3 **Exceptions:**

4 1. An *automatic sprinkler system* is not required in new adult and child day care facilities located in  
5 existing Group R-3 and R-4 occupancies.  
6 2. An *automatic sprinkler system* is not required in *temporary overflow shelters*.  
7 3. An *automatic sprinkler system* is not required in camping units located within a campground where all of  
8 the following conditions exist.

9 3.1. The camping unit is limited to one story in height.

10 3.2. The camping unit is less than 400 square feet (37 m2) in area.

11 3.3. The camping unit does not have a kitchen.

12 4. An automatic sprinkler system is not required in an *open air camp cabin* that complies with the  
13 following:

14 4.1. The *open air camp cabin* shall have at least two remote unimpeded exits. Lighted exit signs shall not  
15 be required.

16 4.2. The *open air camp cabin* shall not be required to have plumbing or electrical systems, but if the cabin  
17 has these systems, then the provisions of the code otherwise applicable to those systems shall apply.

18 4.3. Smoke alarms and portable fire extinguishers may be required as otherwise provided in the code.

19 ~~5. An automatic sprinkler system is not required in the following Group R-3 buildings not more than three~~  
20 ~~stories above grade plane in height with a separate means of egress:~~

21 ~~5.1. Detached one and two family dwellings.~~

22 ~~5.2. Attached one and two family dwellings separated with fire walls complying with Section 706 and~~  
23 ~~containing no other occupancy classification.~~

24  
25 **NCFC:**

26 **903.2.8 Group R.** An *automatic sprinkler system* installed in accordance with Section 903.3 shall be  
27 provided throughout all buildings with a Group R *fire area*.

28 **Exceptions:**

29 1. An *automatic sprinkler system* is not required in new adult and child day care facilities located in  
30 existing Group R-3 and R-4 occupancies.

31 2. An *automatic sprinkler system* is not required in *temporary overflow shelters*.

32 3. An *automatic sprinkler system* is not required in camping units located within a campground where all of  
33 the following conditions exist.

34 3.1. The camping unit is limited to one story in height.

35 3.2. The camping unit is less than 400 square feet (37 m2) in area.

36 3.3. The camping unit does not have a kitchen.

1 4. An automatic sprinkler system is not required in an *open air camp cabin* that complies with the  
2 following:

3 4.1. The *open air camp cabin* shall have at least two remote unimpeded exits. Lighted exit signs shall not  
4 be required.

5 4.2. The *open air camp cabin* shall not be required to have plumbing or electrical systems, but if the cabin  
6 has these systems, then the provisions of the code otherwise applicable to those systems shall apply.

7 4.3. Smoke alarms and portable fire extinguishers shall be installed as required by other sections of this  
8 code.

9 ~~5. An automatic sprinkler system is not required in the following Group R-3 buildings not more than three  
10 stories above grade plane in height with a separate means of egress:~~

11 ~~5.1. Detached one and two family dwellings.~~

12 ~~5.2. Attached one and two family dwellings separated with fire walls complying with NC Building Code,  
13 Section 706 and containing no other occupancy classification.~~

14  
15 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is  
16 September 1, 2022 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1,  
17 2023).

18 **Reason Given** – Clarification and simplification of application of the NCRC and NCBC to multiple  
19 dwellings on a single parcel of land. This change will help keep designers and contractors in one book  
20 instead of relying on cross references between the NCBC and the NCRC. Because the use of the NCRC for  
21 construction of multiple dwellings on a single lot can currently be achieved by use of an alternate method  
22 there is no added cost or savings for this amendment.

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

### 27 **3. Request by Kim Wooten representing self to amend the 2020 National Electrical Code, Article 100**

#### 28 **Definitions as follows:**

#### 30 **2020 NEC text:**

#### 31 **Article 100 - Definitions**

#### 32 **Coordination, Selective (Selective Coordination)**

33  
34 Localization of an overcurrent condition to restrict outages to the circuit or equipment affected,  
35 accomplished by the selection and installation of overcurrent protective devices and their ratings or settings  
36 for the range of available overcurrents, ~~from overload to the available fault current~~, and for the full range of  
37 overcurrent protective device opening times ~~associated with those overcurrents~~.

1 **Replace via Amendment with:**

2 **Article 100 – Definitions**

3 **Coordination, Selective (Selective Coordination)**

4  
5 Localization of an overcurrent condition to restrict outages to the circuit or equipment affected for fault  
6 current events that extend beyond 0.1 second, and accomplished by the selection and installation of  
7 overcurrent protective devices and their ratings or settings for the range of available overcurrents under  
8 such conditions, whether originating from overload, ground-fault or short circuit, and for the full range of  
9 overcurrent protective device opening times applicable to such events.

10  
11 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is  
12 September 1, 2022 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1,  
13 2023).

14 **Reason Given** – Consistency in the design approach will result in better projects, whether the occupancy is  
15 healthcare or non-healthcare.

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

19  
20 **4. Request from Carl Martin representing NC Department of Insurance to amend the 2018 NC**  
21 **Administrative Code, Section 204.3.5 as follows:**

22  
23 **204.3.5 Design professional seal required.** Where the General Statutes, North Carolina Board of  
24 Architecture and Registered Interior Designers, or the North Carolina Board of Examiners for Engineers  
25 and Land Surveyors require, no permit shall be issued unless the construction documents (drawings and  
26 specifications), bear the North Carolina seal of a registered design professional. Construction documents  
27 shall include the name and address of the business entity (individual, corporation or partnership) with  
28 whom the registered design professional is affiliated. Questions concerning this section should be directed  
29 to the North Carolina Board of Architecture and Registered Interior Designers or the North Carolina Board  
30 of Examiners for Engineers and Land Surveyors.

31 ~~**Exceptions:** For permitting purposes, the seal of a registered design professional is not required when the~~  
32 ~~building, structure or project involved is in one of the categories listed below, unless otherwise required~~  
33 ~~pursuant to the provisions of the General Statutes or the technical codes:~~

34 ~~1. A family residence, up to eight units attached with grade level exit, which is not a part of or physically~~  
35 ~~connected with any other buildings or residential units;~~

36 ~~2. A building upon any farm that is for the use of any farmer, unless the building is of such nature and~~  
37 ~~intended for such use as to substantially involve the health or safety of the public;~~

- 1 ~~3. An institutional or commercial building if it does not have a total cost of construction exceeding~~  
2 ~~\$90,000;~~
- 3 ~~4. An institutional or commercial building if the total building area does not exceed 2,500 square feet (2.32~~  
4 ~~m<sup>2</sup>) in gross floor area;~~
- 5 ~~5. Alteration, remodeling or renovation of an existing building that is exempt under this section, or~~  
6 ~~alteration, remodeling or renovation of an existing building or building site that does not alter or affect the~~  
7 ~~structural system of the building; change the building's access or exit pattern; or change the live or dead~~  
8 ~~load on the building's structural system. This subdivision shall not limit or change any other exemptions to~~  
9 ~~this chapter or to the practice of engineering under Chapter 89C of the General Statutes.~~
- 10 ~~6. The preparation and use of details and shop drawings, assembly or erection drawings, or graphic~~  
11 ~~descriptions utilized to detail or illustrate a portion of the work required to construct the project in~~  
12 ~~accordance with the plans and specifications prepared or to be prepared under the requirements or~~  
13 ~~exemptions of this chapter.~~
- 14 ~~7. Nothing in this chapter shall be construed to prevent any individual from making plans or data for~~  
15 ~~buildings for himself or herself. This exemption does not apply to plans for places of religious~~  
16 ~~worship.~~

17 (General Statute 83A-13)

18

19 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is  
20 September 1, 2022 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1,  
21 2023).

22 **Reason Given** – To update the 2018 NC Administrative Code and Policies to reflect changes in NC  
23 Statutes 83A-13.

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

27

28 **NOTICE:**

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

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

32

33 **NOTICE:**

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

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