

**Minutes of the North Carolina Building Code Council**  
**March 15, 2021**  
**Raleigh, NC**

The following are summary minutes. The official minutes of this meeting are recorded. Anyone desiring digital copies of this recordings 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 **Tuesday, June 14, 2022** at 325 Salisbury Street, Raleigh, NC.

Due to a technical issue Facebook Live was not able to be provided for this meeting.

Meeting called to order.

A roll call of Council members was completed. All members of the North Carolina Building Code Council were present for the Council meeting. The following members attended virtually: Charles (Tony) Conner, Gloria Shealey, and Victoria Watlington.

**Part A – Administrative Items**

**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.

Mark Matheny was sworn-in as newly appointed Council member replacing David Gieser.

**Item A – 2 Approval of minutes of the December 14, 2021 NC Building Code Council meeting.**

**M. Ali made a motion to approve the minutes. Second by K. Wooten.  
Motion passed.**

**Item A – 3 Request from Cumberland County Inspection Department for approval to perform local plan review.**

**M. Ali made a motion to approve this request. Second by J. Shepherd.  
Motion passed.**

**Item A – 4 Request from the City of Newton for approval of amendments to the Newton Code of Ordinances repealing existing Ordinance 2013-1 updating Chapter 46, Fire Prevention and Protection, Article III Fire Prevention Code, Section 46-141 to Ordinance 2021-52. This amends the previous edition by updating to the current edition of the NC Fire Prevention Code.**

**J. Shepherd made a motion to approve this request. Second by R. Zapple.**

**Motion passed.**

**Item A – 5 At the December 2021 meeting, the Council requested to hear from the NC Rate Bureau regarding the impact of the 6-year code cycle versus the 3-year code cycle on the insurance rates in NC.**

Nathan Childs, AG addressed the Council on the responses received from the NC Rate Bureau. According to the NCRB, there is no data available to review regarding the correlation between the building code cycles and NC residential insurance premiums. The NCRB is not involved in commercial property insurance rates. More information should be coming regarding the possible impact on commercial property premiums.

**Item A – 6 Rules Review Commission Meeting Report**

Nathan Childs, AG. reported that all D items that were submitted to Rules Review from the December meeting were approved.

**Item A – 7 Public Comments**

Jason Shepherd spoke on item A-7 from the December 14, 2021 meeting. This item addressed the possible delay for the effective date of 2018 Fire Code Section 304.4. Documents were given to the Council by the proponents of the petition before the March meeting in order to show supply issues would cause a hardship to the valet trash business to supply to their customers.

After reviewing the documentation, the Fire Standing Committee recommended keeping the effective date of July 1, 2022.

**J. Shepherd made a motion to keep July 1, 2022 as the effective date for 2018 Fire Code Section 304.4. Second made by R. Zapple.**

**Motion passed.**

**Part B – New Petition 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 June 14, 2022 meeting.

**Item B – 1 Request by Charlie Johnson representing NCDOI/OSFM to amend the 2018 NC Fire Code, Section D107.1 as follows:**

**D107.1 One- or two-family dwelling residential developments.**

Developments of one- or two-family dwellings where the number of *dwelling units* exceeds 100 ~~30~~ shall be provided with two separate and *approved* fire apparatus access roads.

**Exceptions:**

1. Where there are more than 100 ~~30~~ *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the *International Fire Code*, access from two directions shall not be required.

**Item withdrawn by the proponent.**

**Item B – 2 Request by Charlie Johnson representing NCDOT/OSFM to amend the 2018 NC Fire Code, Section D107.2 as follows:**

**D107.2 Remoteness.** Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

**Exception:** For developments where compliance is technically infeasible because of road connectivity limitations, real property dimensions or limitations, real property acquisition constraints, or environmental constraints, as determined by the property owner or developer, the *fire code official* shall either not require two fire apparatus access roads or allow for alterations that provide for fire apparatus access road remoteness to the maximum extent technically feasible.

**Item withdrawn by the proponent.**

**Item B – 3 Request by Carl Martin representing NC Department of Insurance to amend the 2018 NC Residential Code, Sections R101.2 and R202 as follows:**

**R101.2 Scope.**

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

**Exceptions:**

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

## **Section R202 DEFINITIONS**

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

**Residential Super Committee: Motion to accept made by D. Shearin. Second made by M. Matheny.**

**Motion passed.**

**Building Code Council: Motion to accept made by D. Smith. Second made by M. Ali.**  
**Motion passed.**

**Item B – 4 Request from Carl Martin representing NC Department of Insurance to amend the 2018 NC Residential Code, Section R101.2 and Table R302.1; the 2018 NC Building Code Table 602 and Section 903.2.8; and the 2018 NC Fire Code, Section 903.2.8 as follows:**

**NCRC:**

### **R101.2 Scope.**

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

### **Exceptions:**

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

**NCRC:**

**Section R202 DEFINITIONS**

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

**NCRC:**

**TABLE R302.1**

**EXTERIOR WALLS**

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 <u>&lt; 5 feet<sup>a</sup></u>
	Not fire-resistance rated	0 hours	≥ 3 feet <u>&gt; 5 feet<sup>a</sup></u>
Projections	Fire-resistance rated	1 hour on the underside	< 3 feet <u>&lt; 5 feet<sup>a</sup></u>
	Not fire-resistance rated	0 hours	≥ 3 feet <u>&gt; 5 feet<sup>a</sup></u>
Openings in walls	Not allowed	N/A	< 3 feet <u>&lt; 5 feet<sup>a</sup></u>
	Unlimited	0 hours	≥ 3 feet <u>&gt; 5 feet<sup>a</sup></u>
Penetrations	All	Comply with Section R302.4	< 3 feet <u>&lt; 5 feet<sup>a</sup></u>
		None required	≥ 3 feet <u>&gt; 5 feet<sup>a</sup></u>

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable.

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

**NCBC:**

**TABLE 602**

**FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE<sup>a,d,g</sup>**

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>h,j</sup> , S-2, U <sup>h</sup>
X < 5 <sup>b</sup>	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

For SI: 1 foot = 304.8 mm.

- a. Load-bearing exterior walls shall also comply with the fire-resistance rating requirements of Table 601.
- b. See Section 706.1.1 for party walls.
- c. Open parking garages complying with Section 406 shall not be required to have a fire-resistance rating.
- d. The fire-resistance rating of an exterior wall is determined based upon the fire separation distance of the exterior wall and the story in which the wall is located.
- e. For special requirements for Group H occupancies, see Section 415.6.
- f. For special requirements for Group S aircraft hangars, see Section 412.4.1.
- g. Where Table 705.8 permits nonbearing exterior walls with unlimited area of unprotected openings, the required fire-resistance rating for the exterior walls is 0 hours.
- h. For a building containing only a Group U occupancy private garage or carport, the exterior wall shall not be required to have a fire-resistance rating where the fire separation distance is 5 feet (1523 mm) or greater.
- ~~i. For Group R-3 detached one- and two-family dwellings of any construction type and not more than three stories above grade plane in height with a separate means of egress, a fire separation distance of 5 feet or less shall be 1-hour fire resistant rated and shall be 0-hour fire resistant rated for distances greater than 5 feet.~~
- ~~j. For Group R-3 attached one- and two-family dwellings of any construction type separated with fire walls complying with Section 706, containing no other occupancy classification, and not more than three stories above grade plane in height with a separate means of egress, a fire separation distance of 5 feet or less shall be 1-hour fire resistant rated and shall be 0-hour fire resistant rated for distances greater than 5 feet.~~

**NCBC:**

**903.2.8 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*, except as provided for in Section 903.2.8.5.

**Exceptions:**

1. An *automatic sprinkler system* is not required in new adult and child day care facilities located in existing Group R-3 and R-4 occupancies.
2. An *automatic sprinkler system* is not required in *temporary overflow shelters*.
3. An *automatic sprinkler system* is not required in camping units located within a campground where all of the following conditions exist.
  - 3.1. The camping unit is limited to one story in height.
  - 3.2. The camping unit is less than 400 square feet (37 m<sup>2</sup>) in area.

- 3.3. The camping unit does not have a kitchen.
4. An automatic sprinkler system is not required in an *open air camp cabin* that complies with the following:
  - 4.1. The *open air camp cabin* shall have at least two remote unimpeded exits. Lighted exit signs shall not be required.
  - 4.2. The *open air camp cabin* shall not be required to have plumbing or electrical systems, but if the cabin has these systems, then the provisions of the code otherwise applicable to those systems shall apply.
  - 4.3. Smoke alarms and portable fire extinguishers may be required as otherwise provided in the code.
- ~~5. An automatic sprinkler system is not required in the following Group R-3 buildings not more than three stories above grade plane in height with a separate means of egress:~~
  - ~~5.1. Detached one and two family dwellings.~~
  - ~~5.2. Attached one and two family dwellings separated with fire walls complying with Section 706 and containing no other occupancy classification.~~

**NCFC:**

**903.2.8 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 new adult and child day care facilities located in existing Group R-3 and R-4 occupancies.
2. An *automatic sprinkler system* is not required in *temporary overflow shelters*.
3. An *automatic sprinkler system* is not required in camping units located within a campground where all of the following conditions exist.
  - 3.1. The camping unit is limited to one story in height.
  - 3.2. The camping unit is less than 400 square feet (37 m<sup>2</sup>) in area.
  - 3.3. The camping unit does not have a kitchen.
4. An automatic sprinkler system is not required in an *open air camp cabin* that complies with the following:

- 4.1. The *open air camp cabin* shall have at least two remote unimpeded exits. Lighted exit signs shall not be required.
- 4.2. The *open air camp cabin* shall not be required to have plumbing or electrical systems, but if the cabin has these systems, then the provisions of the code otherwise applicable to those systems shall apply.
- 4.3. Smoke alarms and portable fire extinguishers shall be installed as required by other sections of this code.
- ~~5. An automatic sprinkler system is not required in the following Group R-3 buildings not more than three stories above grade plane in height with a separate means of egress:~~
  - ~~5.1. Detached one and two family dwellings.~~
  - ~~5.2. Attached one and two family dwellings separated with fire walls complying with NC Building Code, Section 706 and containing no other occupancy classification.~~

**Residential Super Committee: Motion to accept made by M. Matheny. Second made by D. Smith.**

**Motion passed.**

**Commercial Super Committee: Motion to accept made by D. Priest. Second made by D. Priest. Second made by K. Wooten.**

**Motion passed.**

**Building Code Council: Motion to accept made by D. Priest. Second made by C. Berg.**  
**Motion passed.**

**Item B – 5 Request by Elenor Methven representing Maurer Architecture to add to the 2018 NC Building Code, Section 2902.2 and NC Plumbing Code, Section 403.2 as follows:**

**Exceptions:**

6. Separate facilities shall not be required to be designated by sex where single-user toilet rooms are provided in accordance with Section 2902.1.2. Separate facilities shall not be required where rooms having both water closets and lavatory fixtures are designed for use by both sexes and privacy for water closets are installed in accordance with Section 405.3.4 of the International Plumbing Code. Urinals shall be located in an area visually separated from the remainder of the facility or each urinal that is provided shall be located in a stall.

(The remainder of the section, including exceptions remains unchanged.)

**Commercial Super Committee: Motion to deny made by D. Priest. Second by K. Wooten.  
Motion passed.**

**No further action taken by the full Council at this time.**

**Item B – 6 Request by Kim Wooten representing self to amend the 2020 National Electrical Code, Article 100 Definitions as follows:**

**2020 NEC text:**

**Article 100 - Definitions**

**Coordination, Selective (Selective Coordination)**

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

**Replace via Amendment with:**

**Article 100 – Definitions**

**Coordination, Selective (Selective Coordination)**

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

**Commercial Super Committee: Motion to accept made by J. Shepherd. Second made by M. Matheny.  
Motion passed.**

**Building Code Council: Motion to accept made by M. Ali. Second made by M. Matheny.  
Motion passed.**

**Item B – 7 Request from Carl Martin representing NC Department of Insurance to amend the 2018 NC Administrative Code, Section 204.3.5 as follows:**

**204.3.5 Design professional seal required.** Where the General Statutes, North Carolina Board of Architecture and Registered Interior Designers, or the North Carolina Board of Examiners for Engineers and Land Surveyors require, no permit shall be issued unless the construction documents (drawings and specifications), bear the North Carolina seal of a registered design professional. Construction documents shall include the name and address of

the business entity (individual, corporation or partnership) with whom the registered design professional is affiliated. Questions concerning this section should be directed to the North Carolina Board of Architecture and Registered Interior Designers or the North Carolina Board of Examiners for Engineers and Land Surveyors.

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

1. A family residence, up to eight units attached with grade level exit, which is not a part of or physically connected with any other buildings or residential units;
2. A building upon any farm that is for the use of any farmer, unless the building is of such nature and intended for such use as to substantially involve the health or safety of the public;
3. An institutional or commercial building if it does not have a total cost of construction exceeding \$90,000;
4. An institutional or commercial building if the total building area does not exceed 2,500 square feet (2.32 m<sup>2</sup>) in gross floor area;
5. Alteration, remodeling or renovation of an existing building that is exempt under this section, or alteration, remodeling or renovation of an existing building or building site that does not alter or affect the structural system of the building; change the building's access or exit pattern; or change the live or dead load on the building's structural system. This subdivision shall not limit or change any other exemptions to this chapter or to the practice of engineering under Chapter 89C of the General Statutes.
6. The preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions utilized to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements or exemptions of this chapter.
7. Nothing in this chapter shall be construed to prevent any individual from making plans or data for buildings for himself or herself. This exemption does not apply to plans for places of religious worship.

(General Statute 83A-13)

**Residential Super Committee: Motion to accept made by M. Matheny. Second made by D. Smith.**

**Motion passed.**

**Commercial Super Committee: Motion to accept made by D. Priest. Second made by K. Wooten.**

**Motion passed.**

**Building Code Council: Motion to accept made by M. Matheny. Second made by D. Smith.  
Motion passed.**

**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 March 15, 2022 and the Final Adoption meeting may take place on or after June 14, 2022. The written public comment period expires on April 18, 2022.

**Item C – 1 Request by Kevin Brinkman representing the National Elevator Industry, Inc. (NEII) to amend 2018 NC Plumbing Code, Section 1003.4 as follows (211214 Item B-5):**

**1003.4 Oil Separators required.**

At repair garages where floor or trench drains are provided, car washing facilities, factories where oily and flammable liquid wastes are produced and and hydraulic elevator pits, oil separators shall be installed into which oil-bearing, grease-bearing or flammable wastes shall be discharged before emptying into the building drainage system or other point of disposal.

**Exception:** An oil separator is not required in hydraulic elevator pits where an *approved* alarm system is installed. ~~Elevator sump pits with oil minder pumps shall discharge the oil into a temporary storage tank.~~ Such alarm systems shall not terminate the operation of pumps utilized to maintain emergency operation of the elevator by fire fighters.

No comments.

**Item C - 2 Request by Jamieson Stapleton representing Southern Energy Management to amend 2018 NC Energy Code, Table 405.5.2(1) as follows (211214 Item B-6):**

*Change Footnote h of Table 405.5.2 in the North Carolina Energy Conservation Code as follows:*

<sup>h</sup> For residences with conditioned basements, R-2 and R-4 residences and townhouses, ~~the following formula shall be used to determine glazing area:~~ the revised reference design total glazing area shall be the lesser of:

- (1) Proposed glazing area
- (2) The revised reference design total glazing area calculated using the following formula:  $AF = As \times FA \times F$  where:

$AF = \frac{\text{Total glazing area}}{\text{Revised reference design total glazing area}}$

$As = \text{Standard reference design total glazing area} = 0.15 \times \text{Conditioned Floor Area}$

$FA = \frac{\text{Above-grade thermal boundary gross wall area}}{\text{(above-grade boundary wall area} + 0.5 \times \text{below-grade boundary wall area)}}$

$F = \frac{\text{Above-grade thermal boundary wall area}}{\text{(above-grade thermal boundary wall area} + 0.5 \times \text{below-grade boundary wall area)}}$

boundary wall area + common wall area) or 0.56, whichever is greater.  
and where:

Thermal boundary wall is any wall that separates conditioned space from unconditioned space or ambient conditions. Above-grade thermal boundary wall is any thermal boundary wall component not in contact with soil. Below-grade boundary wall is any thermal boundary wall in soil contact. Common wall area is the area of walls shared with an adjoining dwelling unit. ↳ AF, As and CFA are in the same units.

No comments.

**Item C – 3 Request from Bryan Holland representing National Electrical Manufacturers Association (NEMA) to amend the 2018 NC Electrical Code, Section 10.1 and 10.2 as follows (211214 Item B-7):**

**10.1 TITLE**

These Administrative Regulations along with the requirements included in the 2020 Edition of the National Electrical Code (NFPA-70 - 2020) as adopted by the North Carolina Building Code Council on June 8, 2021, to be effective November 1, 2021, with the following amendments:

(1) 110.26(E)(2)	(12) 230.67	(23) 334.15(C)
(2) 210.8	(13) 230.71(B)	(24) 406.4(D)(4)
(3) 210.8(A)	(14) 230.85	(25) 410.2
(4) 210.8(A)(2)	(15) 250.50	(26) 410.16(C)
(5) 210.8(A)(3)	(16) 250.53(A)(2)	(27) 555.10(3)
(6) 210.8(A)(5)	(17) 250.140	(28) 555.35(A)(3)
(7) 210.8(B)(4)	(18) 250.142(B)	(29) 680.4
(8) 210.8(F)	(19) 300.3(B)	(30) 680.21(D)
(9) 210.12(D)	(20) Table 300.5	(31) 695.2
(10) 210.52(B)(2)	(21) 300.9	(32) 695.3
(11) 210.52(C)(2)	(22) 320.23(A)	

shall be known as the North Carolina Electrical Code, and may be cited as such or as the State Electrical Code; and will be referred to herein as “the code” or “this code”. This code shall ~~not~~ apply to one- and two-family dwellings effective November 1, 2022. ~~The 2017 State Electrical Code shall apply to one- and two-family dwellings.~~

**10.2 SCOPE**

~~Article 80 Administration and Enforcement of the code is hereby not adopted and does not apply for this code. For Scope and Exceptions to Applicability of Technical Codes, refer to the North Carolina Administrative Code and Policies. This code shall not apply to one and two family dwellings.~~

Brian Holland with NEMA spoke in support of this item.  
Kelly Ransdell with NFPA spoke in support of this item.  
Bill Timmons with Legrand spoke against this item.  
Brad Shoaf NCIEI & NCEIA spoke in support of this item.  
Jeff Terry with AFCI Consortium spoke against this item.  
Don Iverson spoke in support of the three-year cycle.  
Robert Privott with NCHBA spoke against this item.

### **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 on December 14, 2021. The Final Adoption meeting took place on March 15, 2022. The Council will give no further consideration to Petitions that are disapproved. Petitions that are approved will proceed through the Rulemaking process. The effective date is January 1, 2023 unless otherwise noted.

#### **Item D – 1 Request by David Smith representing the NC BCC Residential Ad Hoc Committee to amend the 2018 NC Residential Building Code, Section R404.4 as follows (210914 Item B-1):**

**R404.4 Retaining Walls.** Retaining walls that meet the following shall be designed by a *registered design professional*.

1. Any retaining wall ~~systems~~ on a residential site that cross over adjacent property lines regardless of vertical height, or
2. Retaining walls that support buildings and their accessory structures, undercutting footings 10' or less per R403.1.9 and Figure 403.1.9, or
3. ~~Retaining~~ Individual retaining walls supporting unbalanced backfill exceeding 4 feet (1219mm) 5 feet (1524 mm) of unbalanced backfill in height within a horizontal distance of 15 feet (4572 mm) or less, or
4. ~~Retaining~~ Multiple retaining walls systems providing a cumulative vertical relief of unbalanced backfill heights greater than 5 Feet (1524 mm) in height within a horizontal separation distance of 50 feet (15M) 15 feet (4572 mm) or less.

Retaining walls shall be designed for a safety factor of 1.5 against lateral sliding and overturning.

**Residential Super Committee: Motion to accept made by D. Smith. Second made by C. Berg.**  
**Motion passed.**

**Building Code Council: Motion to accept with an effective date of January 1, 2025 made by D. Smith. Second made by C. Berg.**  
**Motion passed.**

**Item D – 2 Request by Carl Martin representing the Department of Insurance to amend the 2018 NC Building Code, Section 116 as follows (210914 Item B-2):**

### **SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT**

~~Deleted. See the North Carolina Administrative Code and Policies~~

**116.1 General.** Unsafe structures and equipment must comply with the NC Administrative Code and Policies, Section 204.2.8.

**116.2 Public access.** The structure owner or his representative shall secure the unsafe structure by a method approved by the local building official to prevent public access. The approved method shall be in place within the time limit specified in writing by the building official in the notice of unsafe building.

**Commercial Super Committee: Motion to accept made by D. Priest. Second made by M. Matheny.**  
**Motion passed.**

**Building Code Council: Motion to accept made by D. Priest. Second made by R. Euchner.**  
**Motion passed.**

**Item D – 3 Request by Carl Martin representing the Department of Insurance to amend the 2018 Building Code, Section 3006.2 as follows (210914 Item B-3):**

**3006.2 Hoistway opening protection required.** Elevator hoistway door openings for occupied and unoccupied stories shall be protected in accordance with Section 3006.3 where an elevator hoistway connects more than three stories, is required to be enclosed within a *shaft enclosure* in accordance with Section 712.1.1 and any of the following conditions apply:

1. The building is not protected throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2.
2. The building contains a Group I-1, Condition 2 occupancy.
3. The building contains a Group I-2 occupancy.
4. The building contains a Group I-3 occupancy.
5. The building is a high rise and the elevator hoistway is more than 75 feet (22 860 mm) in height. The height of the hoistway shall be measured from the *lowest floor* to the highest floor of the floors served by the hoistway.

**Exceptions:**

1. Protection of elevator hoistway door openings is not required where the elevator serves only *open parking garages* in accordance with Section 406.5.
2. Protection of elevator hoistway door openings is not required at the level(s) of exit discharge, provided that the level(s) of exit discharge is equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1.
3. Enclosed elevator lobbies and protection of elevator hoistway door openings are not required on levels where the elevator hoistway opens to the exterior.

**Commercial Super Committee: Motion to accept made by D. Priest. Second made by C. Berg.  
Motion passed.**

**Building Code Council: Motion to accept made by M. Ali. Second made by D. Priest.  
Motion passed.**

**Item D – 4 Request by Carl Martin representing the Department of Insurance to amend the 2018 NC Building Code, Section 3006.3 as follows (210914 Item B-4):**

**3006.3 Hoistway opening protection.** Where Section 3006.2 requires protection of the elevator hoistway door opening, the protection shall be provided by one of the following:

1. An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway *shaft enclosure* doors from each floor by fire partitions in accordance with Section 708. In addition, doors protecting openings in the elevator lobby enclosure walls shall comply with Section 716.5.3 as required for *corridor* walls. Penetrations of the enclosed elevator lobby by ducts and air transfer openings shall be protected as required for *corridors* in accordance with Section 717.5.4.1.
2. An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway *shaft enclosure* doors from each floor by smoke partitions in accordance with Section 710 where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2. In addition, doors protecting openings in the *smoke partitions* shall comply with Sections 710.5.2.2, 710.5.2.3 and 716.5.9. Penetrations of the enclosed elevator lobby by ducts and air transfer openings shall be protected as required for *corridors* in accordance with Section 717.5.4.1.

3. Additional doors shall be provided at each elevator hoistway door opening in accordance with Section 3002.6. Such door shall comply with the smoke and draft control door assembly requirements in Section 716.5.3.1 when tested in accordance with UL 1784 without an artificial bottom seal and contain a vision panel as allowed by Table 716.5. The door shall not be installed in a way that affects the fire-resistance-rating or operation of the normal elevator shaft doors.

4. The elevator hoistway shall be pressurized in accordance with Section 909.21.

**Commercial Super Committee: Motion to accept made by D. Priest. Second made by M. Matheny.**

**Motion passed.**

**Building Code Council: Motion to accept made by M. Ali. Second made by D. Priest.**

**Motion passed.**

**Item D – 5 Request by Colin Triming representing the NC Fire Code Revision Committee to amend the 2018 NC Fire Code, Section 304.4.2.3 as follows (210914 Item B-5):**

**304.4.2.3.** Containers used for valet trash collection shall not exceed a capacity of 2.0 cubic feet (15 gallons, 0.06 cubic meters) and shall be provided with tight-fitting or self-closing lids. Containers and lids shall ~~comply with either:~~

~~1. Containers and lids located in an area that is protected by fire sprinklers shall be constructed entirely of noncombustible materials or materials that meet a peak rate of heat release not exceeding 300 kW/m<sup>2</sup> when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m<sup>2</sup> in the horizontal orientation. Containers and lids shall be listed or bear the label of an approved agency that validates compliance with this requirement.~~

~~2. Containers and lids located in an area that is not protected by fire sprinklers shall be constructed entirely of noncombustible materials or materials that meet a peak rate of heat release not exceeding 150 kW/m<sup>2</sup> when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m<sup>2</sup> in the horizontal orientation. Containers and lids shall be listed or bear the label of an approved agency that validates compliance with this requirement~~

**Commercial Super Committee: Motion to approve with an effective date of July 1, 2022 made by J. Shepherd. Second made by N. MacDonald.**

**Motion passed.**

**Building Code Council: Motion to approve with an effective date of July 1, 2022 made by J. Shepherd. Second made by K. Wooten.**

**Motion passed.**

**Item D – 6 Request by Carl Martin representing the Department of Insurance to amend the NC Administrative Code, Section 204.3.5 as follows (210608 Item B-1):**

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

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

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

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

3. An institutional or commercial building if it does not have a total cost of construction exceeding ~~\$90,000~~ \$200,000;

4. An institutional or commercial building if the total building area does not exceed ~~2,500~~ 3,000 square feet (2.32 m<sup>2</sup>) in gross floor area;

5. Alteration, remodeling or renovation of an existing building that is exempt under this section, or alteration, remodeling or renovation of an existing building or building site that does not alter or affect the structural system of the building; change the building's access or exit pattern; or change the live or dead load on the building's structural system. This subdivision shall not limit or change any other exemptions to this chapter or to the practice of engineering under Chapter 89C of the General Statutes.

6. The preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions utilized to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements or exemptions of this chapter.

7. Nothing in this ~~chapter~~ section shall be construed to prevent any individual from making plans or data for buildings for himself or herself. This exemption does not apply to plans for places of religious

worship.

(General Statute 83A-13)

**Note: This was item D-1 at the December 14, 2021 meeting. The Commercial Super Committee voted to table it until this meeting.**

**Commerical Super Committee: Motion to deny made by K. Wooten. Second made by D. Priest.**

**Motion passed.**

**No further action taken by the Building Code Council.**

**Part E – Reports**

❖ **Ad-Hoc Committee Reports**

The Fire committee has completed their pass-through of chapters. They will be meeting virtually on March 24 & 25. In-person meetings have been scheduled for April 28 & 29. They will go back through everything that was flagged during the chapter reviews.

The Building committee is also going back through items that were flagged during the chapter reviews. No future meeting dates have been confirmed for the Building committee although they will probably meet in April and May and finish in May.

The Mechanical committee has been meeting virtually. They should be getting the remainder of chapters from staff that have been edited for the committee to review by March 17. They will be meeting on March 22 and bi-weekly after that through the middle of May. So, they are continuing to go through the chapters.

The Fuel Gas committee has meetings scheduled through May. They are continuing to meet virtually.

The Energy committee has been meeting and has completed the commercial side and are well into residential. They have two more meetings scheduled this month. They are about 85% complete and hope to be finished by this summer.

The Residential committee has three more meetings scheduled. They are waiting to receive the reviews from energy, mechanical, fuel gas, and plumbing code so they can go through those as they are also part of the residential code.

The Existing Building committee has not met. They have finished their review and are waiting for some of the other committees to finish their reviews so they can consolidate those changes in the other codes.

The Structural committee has completed their review. They are waiting for the other committees to finish their reviews.

The Plumbing committee continues to meet. They will continue with chapter 4 at the next scheduled meeting. They have meetings scheduled through July.

The Administrative committee did meet once. More information will be coming regarding this.

### ❖ **Standing Committee Reports**

The Building committee is in good condition.

### ❖ **Staff Reports**

Carl Martin:

- All the December amendments that were approved that went to Rules Review Commission are posted on the OSFM website.
- The Chief Residential Consultant position is still not filled. Pak Yip continues to fill in as needed.
- The Chief Mechanical Consultant position is still not filled. The position is being re-posted.
- When code reviews are complete and the process to coordinate between codes begins, David Rittlinger will be the contact code consultant for that so he can distribute that information where it is needed.
- Proposed Code amendment submission forms are now being posted on the website and will remain there as they move through the adoption process. Items will be removed when they are denied by the Council or if they are approved by the Rules Review Commission. Removals are required because there is not enough room on the servers to keep items posted indefinitely.

Kim Wooten expressed to Carl Martin how helpful the staff has been to the Energy Ad Hoc committee. Dan Dittman has been especially helpful to that committee. They are very grateful.

### **Part F – Appeals:**

Jenkins Consulting Engineers, P.A. appeal is scheduled for April 27, 2022 at 10:00 AM at the Albemarle Building (325 N. Salisbury Street, Raleigh, NC).

W.C. Construction Co., LLC appeal is scheduled for July 27, 2022 at the Albemarle Building (325 N. Salisbury Street, Raleigh, NC).

More information on both cases will come.

## ❖ **Chair Report**

The Chair sent some notices to the members regarding ethics training. The Chair reminded Council members of the upcoming April 15, 2022 deadline to submit the required annual Statement of Economic Interest for the Ethics Commission.

The Chair let the Council members know that a suspicious email was sent using her name so please be aware of this.

Adjourned.