NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING

NORTH CAROLINA BUILDING CODE COUNCIL

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

Citation to Existing Rule Affected by this Rule-Making: North Carolina Building, Energy Conservation, Existing Building, Fire, Plumbing and Residential Code amendments.

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

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

Public Hearing: Monday, January 28, 2019, 9:00AM, Albemarle Building, 325 North Salisbury Street, Raleigh, NC 27603, 2nd Floor Training Room 240. Comments on both the proposed rule and any fiscal impact will be accepted.

Comment Procedures: Written comments may be sent to Barry Gupton, Secretary, NC Building Code Council, NC Department of Insurance, 1202 Mail Service Center, Raleigh, NC 27699-1202. Comments on both the proposed rule and any fiscal impact will be accepted. Comment period expires on March 4, 2019.

Statement of Subject Matter:

1. Request by Eurilynn Caraballo representing Mecklenburg County Code Enforcement to amend the 2018 NC Building Code, Section 1009.7.2 as follows:

   Exceptions:

   1. Areas for assisted rescue that are located 10 feet (3048 mm) or more from the exterior face of a building are not required to be separated from the building by fire-resistance rated walls or protected openings.

   2. The fire-resistance rating and opening protective are not required in the exterior wall 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.
Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – The purpose of this amendment is to allow the exception included in the 2018 IBC.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with minor decrease 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 Ryan Miller representing the NC Building Performance Association to amend the 2018 NC Energy Conservation Code, Section R406.6.2 Compliance Report as follows:

5. The RESNET Registry number (or equivalent) for the ERI.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – The purpose of this amendment is to assure the use of an ERI for code compliance that is certified and registered with an oversight organization (RESNET).

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 by Ryan Miller representing the NC Building Performance Association to amend the 2018 NC Residential Code, Section N1106.6.2 (R406.6.2) Compliance Report as follows:

5. The RESNET Registry number (or equivalent) for the ERI.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – The purpose of this amendment is to assure the use of an ERI for code compliance that is certified and registered with an oversight organization (RESNET).

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.
4. Request by Ryan Miller representing the NC Building Performance Association to amend the 2018 NC Residential Code, Section N1106.6.1 (R406.6.1) Compliance Software Tools as follows:

N1106.6.1 (R406.6.1) Compliance software tools. Compliance software tools for this section shall be in compliance with ANSI/RESNET/ICC 301-2014 (Including Addenda A & B).

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – The purpose of this amendment is to provide a reference to a readily available ERI calculation method.

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.

5. Request by Ryan Miller representing the NC Building Performance Association to amend the 2018 NC Residential Code, Section N1106.2 (R406.2) Mandatory Requirements as follows:

N1106.2 (R406.2) Mandatory requirements. Compliance with this section requires that the provisions identified in Sections N1101.14 through N1104 labeled as “mandatory” be met. The building thermal envelope shall be greater than or equal to levels of efficiency and Solar Heat Gain Coefficient in Table 402.1.1 or Table 402.1.3 of the 2012 North Carolina Energy Conservation Code. Minimum standards associated with compliance shall be the ANSI/RESNET/ICC 301-2014 Standard (Including Addenda A and B) for the Calculation and Labeling of the Energy Performance of Low-Rise Residential Buildings using Energy Rating Index. A North Carolina registered design professional or certified HERS rater is required to perform the analysis if required by North Carolina licensure laws.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – The purpose of this amendment is to provide a reference to a readily available ERI calculation method.

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.
6. Request by Ryan Miller representing the NC Building Performance Association to amend the 2018 NC Energy Conservation Code, Section R406.2 as follows:

N1106.2 (R406.2) Mandatory requirements. Compliance with this section requires that the provisions identified in Sections R401 through R404 labeled as “mandatory” be met. The building thermal envelope shall be greater than or equal to levels of efficiency and Solar Heat Gain Coefficient in Table 402.1.1 or Table 402.1.3 of the 2012 North Carolina Energy Conservation Code. Minimum standards associated with compliance shall be the ANSI/RESNET/ICC 301 – 2014 Standard (Including Addenda A and B) for the Calculation and Labeling of the Energy Performance of Low-Rise Residential Buildings using an Energy Rating Index. A North Carolina registered design professional or certified HERS rater is required to perform the analysis if required by North Carolina licensure laws.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – The purpose of this amendment is to provide a reference to a readily available ERI calculation method.

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.

7. Request by Ryan Miller representing the NC Building Performance Association to amend the 2018 NC Residential Code, Section N1106.7.1 (R406.7.1) Minimum Capabilities as follows:

N1106.7.1 (R406.7.1) Minimum capabilities. Calculation procedures used to comply with this section shall be software tools capable of calculating the ERI as described in Section N1106.3 and shall be in compliance with ANSI/RESNET/ICC 301 (Including Addenda A and B), and the software shall include the following capabilities:

1. Computer generation…

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – The purpose of this amendment is to provide a reference to a readily available ERI calculation method.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.
8. Request by Ryan Miller representing the NC Building Performance Association to amend the 2018 NC Energy Conservation Code, Section R406.6.1 Compliance Software Tools as follows:

R406.6.1 Compliance software tools. Compliance software tools for this section shall be in compliance with the ANSI/RESNET/ICC 301-2014 (Including Addenda A & B).

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – The purpose of this amendment is to provide a reference to a readily available ERI calculation method.

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.

9. Request by Ryan Miller representing the NC Building Performance Association to amend the 2018 NC Energy Conservation Code, Section R406.7.1 Minimum Capabilities as follows:

N1106.7.1 (R406.7.1) Minimum capabilities. Calculation procedures used to comply with this section shall be software tools capable of calculating the ERI as described in Section N1106.3 and shall be in compliance with ANSI/RESNET/ICC 301 (Including Addenda A and B), and the software shall include the following capabilities:

1. Computer generation…

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – The purpose of this amendment is to provide a reference to a readily available ERI calculation method.

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.
10. Request by Ryan Miller representing the NC Building Performance Association to amend the
2018 NC Residential Code, Section Part IX Referenced Standards / ICC as follows:

ANSI/RESNET/ICC 301-14 (Including Addenda A & B) Standard for the Calculation and Labeling of the
Energy Performance of Low-Rise Residential Buildings using an Energy Rating Index ……N1106.2,
N1106.6.1, N1106.7.1

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1,
2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).
Reason Given – The purpose of this amendment is to provide a reference to a readily available ERI
calculation method.
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.

11. Request by Ryan Miller representing the NC Building Performance Association to amend the
2018 NC Energy Conservation Code, Section NC Residential Provisions, Chapter 6 Referenced
Standards, ICC as follows:

ANSI/RESNET/ICC 301-14 (Including Addenda A & B) Standard for the Calculation and Labeling of the
Energy Performance of Low-Rise Residential Buildings using an Energy Rating Index……R406.2,
R406.6.1, R406.7.1

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1,
2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).
Reason Given – The purpose of this amendment is to provide a reference to a readily available ERI
calculation method.
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.
12. Request by Barry Siegal representing BSC Holdings, Inc. to amend the 2018 NC Building Code, Section 903.2.8 and Table 602 and 2018 NC Fire Prevention Code, Section 903.2.8 as follows:

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. 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 m²) 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 have at least two remote unimpeded exits. Lighted exit signs shall not be required.
   4.3. Smoke detectors and portable fire extinguishers shall be installed as required by other sections of this Code.

5. An automatic sprinkler system is not required in Group R-3 detached on-and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress.
### NC BUILDING CODE

**TABLE 602**

<table>
<thead>
<tr>
<th>FIRE SEPARATION DISTANCE =  ( X ) (feet)</th>
<th>TYPE OF CONSTRUCTION</th>
<th>OCCUPANCY GROUP H(^a)</th>
<th>OCCUPANCY GROUP F-1, M, S-1(^f)</th>
<th>OCCUPANCY GROUP A, B, E, F-2, I, R(^i), S-2, U (c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>( X &lt; 5 ) (^b)</td>
<td>All</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>( 5 \leq X &lt; 10 )</td>
<td>IA</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Others</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>( 10 \leq X &lt; 30 )</td>
<td>IA, IB, III, V(^i)</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Others</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>( X \geq 30 )</td>
<td>All</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

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 415.5.
- 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 Group R-3 detached one- and two-family dwellings and townhouses of any construction type and not more than three stories above grade Plumbing and not more than three stories above grade unplanned, a fire separation distance of 3 feet or less shall be 1-hour fire-resistant rated and shall be 0-hour fire-resistant rated for distances greater than 3 feet.

---

**Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

**Reason Given** – This purpose of this amendment is to eliminate the R-3 sprinkler requirement and reduce the physical separation to match the Residential Code.

**Fiscal Statement** – This rule is anticipated to provide equivalent compliance with minor decrease 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.
13. Request by Colin Trining representing the NC Fire Code Revision Committee to amend the 2018 NC Existing Building Code, Sections 403.11, 804.4.3, 1104.2 as follows:

403.11 Carbon Monoxide alarms. Individual sleeping units and individual dwelling units in Group R and I occupancies and classrooms in Group E occupancies and Group A-2 occupancies that contain a fuel-burning appliance or a fuel-burning fireplace shall be provided with carbon monoxide alarms in accordance with Section 915 of the North Carolina Building Code, except that the carbon monoxide alarms shall be allowed to be solely battery operated.

804.4.3 Carbon Monoxide alarms. Individual sleeping units and individual dwelling units in Group R and I occupancies and classrooms in Group E occupancies and Group A-2 occupancies that contain a fuel-burning appliance or a fuel burning fireplace shall be provided with carbon monoxide alarms in accordance with Section 915 of the North Carolina Building Code, except that the carbon monoxide alarms shall be allowed to be solely battery operated.

1104.2 Carbon Monoxide alarms in existing portions of a building. Where an addition is made to a building or structure of a Group A-2, I-1, I-2, I-4 or R occupancies, or classrooms are added in Group E occupancies, the existing building shall be provided with carbon monoxide alarms in accordance with Section 915 of the North Carolina Building Code or Section R315 of the North Carolina Residential Code, except the carbon monoxide alarms shall be allowed to be solely battery operated.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – The purpose of this amendment is to respond to several recent Carbon Monoxide exposures in A-2 occupancies.

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.

14. Request by Carl Martin representing the NC Department of Insurance to amend the 2018 NC Building Code, Sections 312.1 & H109.2 as follows:

312.1 General

Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this
code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

- Agricultural buildings
- Aircraft hangars, accessory to a one- or two-family residence (see Section 412.5)
- Barns
- Carports
- Fences and ground signs more than 6 feet (1829 mm) in height
- Grain silos, accessory to a residential occupancy
- Greenhouses
- Livestock shelters
- Photovoltaic panel system (mounted at grade)
- Private garages
- Retaining walls
- Sheds
- Stables
- Tanks
- Towers

SECTION H101 GENERAL

H101.2 Signs exempt from permits.
The following signs are exempt from the requirements to obtain a permit before erection:

1. Nonilluminated wall signs.
2. Temporary signs.
3. Signs erected by transportation authorities.
4. Projecting signs not exceeding 6 square feet (0.56 m²).
5. The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.
6. Ground signs less than 6 feet (1829 mm) in height above finished grade.

SECTION H109 GROUND SIGNS

H109.2 Required Clearance. The bottom coping of every ground sign shall be not less than 3 feet (914 mm) above the ground or street level, which space can be filled with platform decorative trim or light wooden construction.

Exception: Signs that have a solid base of masonry, steel or similar material, commonly known as monument signs.
Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – This purpose of this amendment is to eliminate the ground clearance requirement for monument signs and to exempt all ground signs less than 6-feet in height.

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.

15. Request by the NC Building Code Council representing the NC General Assembly to amend the 2018 NC Energy Conservation Code, Section R101.2 as follows:

R101.2 Scope.
This code applies to residential buildings and the buildings sites and associated systems and equipment.

Exception:
1. In accordance with N.C.G.S. 143-138 (b19), no energy conservation code provisions shall apply to detached and attached garages located on the same lot as a dwelling.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – This purpose of this amendment is to provide an exception to energy conservation code requirements for garages as directed by SL 2018-65.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with minor decrease 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.

16. Request by the NC Building Code Council representing the NC General Assembly to amend the 2018 NC Residential Code, Section N1101.1 as follows:

N1101.1 Scope.
This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

Exception:
1. In accordance with N.C.G.S. 143-138 (b19), no energy conservation code provisions shall apply to detached and attached garages located on the same lot as a dwelling.
Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – This purpose of this amendment is to provide an exception to energy conservation code requirements for garages as directed by SL 2018-65.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with minor decrease 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.

17. Request by the NC Building Code Council representing the NC General Assembly to amend the 2018 Existing Building Code, Section 101.12 as follows:

101.12 Energy conservation exceptions.
The following exceptions apply to energy conservation code provisions in existing buildings in accordance with NC General Statutes:

1. In accordance with N.C.G.S. 143-138 (b18), no energy conservation code provisions shall apply to any structure for which the primary occupancy classification is Group F, S, or U. This exclusion shall apply to the entire building area.

2. In accordance with the N.C.G.S. 143-138 (b19), for residential buildings, no energy conservation code provisions shall apply to detached and attached garages located on the same lot as a dwelling.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – This purpose of this amendment is to provide an exception to energy conservation code requirements for garages as directed by SL 2018-65.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with minor decrease 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.
18. Request by Daniel Priest representing Priest Architecture, PLLC to amend the 2018 NC State Building Code, Table 2902.1 and the 2018 NC State Plumbing Code, Table 403.1 as follows:

| Business (See Sections 2902.2, 2902.3, and 2902.3.2) | Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses | 1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50 | 1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80 | — | 1 per 100q | 1 service o

   q. For business occupant loads of 25 or fewer, drinking fountains shall not be required.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – This purpose of this amendment is to provide a drinking fountain exception for small Business Occupancy.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with minor decrease 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.

19. Request by Daniel Priest representing Priest Architecture, PLLC to amend the 2018 NC State Plumbing Code, Section 410.2 as follows:

410.2 Small occupancies. Drinking fountains shall not be required for an occupant load of 15 or fewer.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is June 1, 2019 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2020).

Reason Given – This purpose of this amendment is to provide a drinking fountain exception for small Business Occupancy.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with minor decrease 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.
NOTICE:

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


NOTICE:

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

http://www.ncoah.com/rules/