

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 Mechanical, Residential, and*  
9   *Fire 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.*

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17   **Public Hearing:** *Tuesday, September 10, 2019, 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.*

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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 October 14,*  
24   *2019.*

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26   **Statement of Subject Matter:**

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29   **1. Request by Dan Dittman representing the NC Department of to amend the 2018 NC Mechanical**  
30   **Code, Section 202.**

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32   **EXTRA-HEAVY-DUTY COOKING APPLIANCE.** *Extra-heavy-duty cooking appliances are those*  
33   *utilizing open flame combustion of solid fuel at any time.*

34   ~~*Shall not use solid fuel to provide source of heat for cooking. Pellets and chips if used as flavoring shall not*~~  
35   ~~*be in a state of open flame combustion at any time. Smoldering chambers shall not introduce embers into*~~  
36   ~~*the flue at any time.*~~

37

1 **HEAVY-DUTY COOKING APPLIANCE.** Heavy-duty cooking *appliances* include electric under-fired  
2 broilers, electric chain (conveyor) broilers, gas under-fired broilers, gas chain (conveyor) broilers, gas  
3 open-burner ranges (with or without oven), electric and gas wok ranges, smokers, smoker ovens, and  
4 electric and gas over-fired (upright) broilers and salamanders.

5  
6 Such an appliance shall not use solid fuel to provide source of heat for cooking. Pellets and chips if used as  
7 flavoring shall not be in a state of open flame combustion at any time. Smoldering chambers shall not  
8 introduce embers into the flue at any time.

9  
10 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
11 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

12 **Reason Given** – The purpose of this amendment is to relocate the use of smoldering solid fuel for food  
13 flavoring from extra-heavy-duty to heavy-duty cooking appliances where it is applicable.

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

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19 **2. Request by Dan Dittman representing the NC Department of Insurance to amend the 2018 NC Residential**  
20 **Code, Section M1411.3.2.**

21  
22 **M1411.3.2 Drain pipe materials and sizes.** Components of the condensate disposal system shall be ABS,  
23 cast iron, copper, cross-linked polyethylene, CPVC, galvanized steel, PE-RT, polyethylene, polypropylene  
24 or PVC pipe or tubing. Components shall be selected for the pressure and temperature rating of the  
25 installation. Joints and connections shall be made in accordance with the applicable provisions of Chapter  
26 30. Condensate waste and drain line size shall be not less than 3/4 -inch (19 mm) nominal diameter from  
27 the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one  
28 unit are manifolded together for condensate drainage, the pipe or tubing shall be sized in accordance with  
29 an approved method.

30  
31 Provisions shall be made to prevent the formation of condensation on the exterior of primary condensate  
32 drain piping if condensate dripping off the pipe could cause damage to any building component.

33  
34 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
35 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

36 **Reason Given** – The purpose of this amendment is to make the section consistent with other sections of the  
37 code.

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

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6 **3. Request by Dan Dittman representing the NC Department of Insurance to amend the 2018 NC Residential**  
7 **Code, Section M1502.1.**

8  
9 **M1502.1 General.** Clothes dryers shall be exhausted in accordance with the manufacturer’s instructions.

10  
11 **M1502.1.1 (504.6) Makeup air.**

12 Where a closet is designed for the installation of a clothes dryer, an opening having an area of not less than  
13 100 square inches (0.0645 m<sup>2</sup>) shall be provided in the closet enclosure or *makeup air* shall be provided by  
14 other *approved* means.

15  
16 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
17 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

18 **Reason Given** – The purpose of this amendment is to make the section consistent with other sections of the  
19 code.

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

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25 **4. Request by Dan Dittman representing the NC Department of Insurance to amend the 2018 NC Residential**  
26 **Code, Section M1502.4.2.**

27  
28 **M1502.4.2 Duct installation.** Exhaust ducts shall be supported at intervals not to exceed ~~42~~ 4 feet (3658  
29 mm) and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting  
30 in the direction of airflow. Exhaust duct joints shall be sealed in accordance with Section M1601.4.1 and  
31 shall be mechanically fastened... (remainder of paragraph unchanged)

32  
33 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
34 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

35 **Reason Given** – The purpose of this amendment is to make the section consistent with other sections of the  
36 code.

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

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6 **5. Request by Dan Dittman representing the N.C. Department of Insurance to amend the 2018 NC**  
7 **Residential Code, Section M1602.3.**

8  
9 **M1602.3 (603.18) Return-air intake (nonengineered systems).** If only one central return-air grille is  
10 installed, it shall be of a size sufficient to return a volume of air compatible with the CFM requirements and  
11 the temperature rise limitations specified by the equipment manufacturer. The face velocity of return air  
12 grilles shall not exceed 450 feet per minute (fpm) (2.3 m/s). At least one separate return shall be installed  
13 on each level of a multi-level structure. For split-level and split-foyer structures, one return may serve more  
14 than one level if located within the split area and the total area of the levels does not exceed 1,600 square  
15 feet (148.6 m<sup>2</sup>). Return-air grilles shall not be located in bathrooms. The return air from one residential  
16 living unit shall not be mixed with the return air from other living units.

17  
18 In dwellings with 1,600 square feet (148.6m<sup>2</sup>) or less of conditioned area, a central return is permitted.  
19 When the dwelling contains more than 1,600 square feet (148.6m<sup>2</sup>) of conditioned area, additional returns  
20 shall be provided. Each return shall serve not more than 1,600 square feet (148.6 m<sup>2</sup>) of area and shall be  
21 located in the area it serves. Return air may travel through the living space to the return-air intake if there  
22 are no restrictions, such as solid doors, to the air movement. Undercut doors are allowed. When panned  
23 joists are used for return air, the structural integrity shall be maintained. Air capacity for joists 16 inches  
24 (406 mm) on center shall be a maximum of 375 cubic feet per minute (0.177 m<sup>3</sup>/s) for 8-inch (203 mm)  
25 joists and 525 cubic feet per minute (0.248 m<sup>3</sup>/s) for 10-inch (254 mm) joists. Wiring located in spaces  
26 used for return-air ducts shall comply with the *North Carolina Electrical Code*.

27  
28 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
29 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

30 **Reason Given** – The purpose of this amendment is to make the section consistent with other sections of the  
31 code.

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

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37 **6. Request by Kevin Schwartz representing Valet Living LLC to amend the**

1 **2018 NC Fire Code, Section 304.4**

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3 304.4 Valet Trash Collection Services

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5 1. Combustible trash in means of egress. Combustible trash or recyclable materials shall not be placed in exits, exit  
6 passageways, in enclosures for stairways or ramps, in corridors, in elevator lobbies or on egress balconies  
7 except as permitted by the following:

8  
9 2. Combustible trash or recyclable materials in corridors or on egress balconies of Group R-2 occupancies that is  
10 awaiting scheduled valet trash collection in accordance with subsections below.

11  
12 3. Valet Trash collection. Trash or recyclable materials awaiting valet trash collection shall only be placed in a  
13 corridor or on an egress balcony within 5 hours of scheduled pickup and shall not obstruct the minimum egress  
14 width required by Section 1031. Trash or recyclable materials awaiting valet trash collection shall be placed  
15 completely inside of one or more containers with a closed lid that complies with subsections below. Additional trash  
16 or recyclable material placed outside of compliant containers are prohibited in exits, exit passageways, corridors or  
17 egress balconies.

18  
19 4. Valet trash collection containers. Containers used for valet trash collection shall not exceed a capacity of 2.0 cubic  
20 feet (15 gallons, 0.06 cubic meters) and shall be provided with tight-fitting or self-closing lids. Containers and lids  
21 shall comply with the following:

22  
23 a. Containers and lids located in an area that is protected by fire sprinklers in accordance with Item 1 shall be  
24 constructed entirely of noncombustible materials or materials that meet a peak rate of heat release not exceeding 300  
25 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  
26 orientation. Containers and lids shall be listed or bear the label of an approved agency that validates compliance with  
27 this requirement.

28  
29 b. Containers and lids located in an area that is not protected by fire  
30 sprinklers in accordance with Item 1 shall be constructed entirely of noncombustible materials or materials that meet  
31 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  
32 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  
33 approved agency that validates compliance with this requirement.

34  
35 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
36 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

1 **Reason Given** – The purpose of this amendment is to allow the use of valet trash service receptacles in exit  
2 access corridors.

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

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7  
8 **7. Request by Patrick Granson representing the Mecklenburg County Code Enforcement to amend**  
9 **the 2018 NC Fire Code Section 3103.2.**

10  
11 **3103.2 Approval required.** Tents and membrane structures shall not be erected, operated or maintained for  
12 any purpose without first obtaining a permit and approval from the fire and building code official, as  
13 specified in the permit.

14  
15 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
16 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

17 **Reason Given** – The purpose of this amendment is to address the use of tents and membrane structures for  
18 short term special events.

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

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24 **8. Request by Keith Rogers representing the North Carolina Building Code Council Mechanical Standing**  
25 **Committee to amend the 2018 NC Residential Code Section P2603.5.**

26  
27 **P2603.5.2 Frost protection.** No traps of soil or waste pipe shall be  
28 installed or permitted outside of a building or concealed in outside walls or  
29 in any place where they may be subjected to freezing temperatures, unless approved provisions are made to protect  
30 them from freezing.

31  
32 **P3201.3 (1002.7) Trap setting and protection.** Trap shall be set level  
33 with respect to their water seals and shall be protected from freezing. Trap  
34 seals shall be protected from siphonage, aspiration or back pressure by an approved system of venting (see Sections  
35 P3101 and P2603.5.2).

36

1 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
2 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

3 **Reason Given** – The purpose of this amendment is to reinstate frost protection for traps in exterior walls.

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

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9 **9. Request by Robert Privott representing the North Carolina Home Builders Association to amend**  
10 **the 2018 Residential Code, Section R506.2.1.**

11  
12 **R506.2.1 Fill.** Fill material shall be free of vegetation and foreign material. The fill shall be compacted to  
13 ensure uniform support of the slab, and except where *approved*, the fill depths shall not exceed 24 inches  
14 (610 mm) for clean sand or gravel and 8 inches (203 mm) for earth.

15  
16 **Exception: #57 or #67 stone may be used as fill without a compaction test for a maximum depth of 4**  
17 **feet.**

18  
19 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,  
20 2020 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2021).

21 **Reason Given** – The purpose of this amendment is to allow use of certain stone as fill material without a  
22 compaction test because such stone is not compactable.

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.

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28 **NOTICE:**

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

31 [http://www.ncdoi.com/OSFM/Engineering\\_and\\_Codes/Default.aspx?field1=Code\\_Interpretations&user=C](http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Code_Interpretations&user=Code_Enforcement_Resources)  
32 [ode\\_Enforcement\\_Resources](http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Code_Interpretations&user=Code_Enforcement_Resources)

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34  
35 **NOTICE:**

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

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

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