

- 1 2. Retaining walls that support buildings and their accessory structures, undercutting footings 10' or less
2 per R403.1.9 and Figure 403.1.9, or
3 3. Individual Retaining walls supporting unbalanced backfill exceeding 4 feet (1219mm) 5 feet (1524 mm)
4 of unbalanced backfill in height within a horizontal distance of 15 feet (4572 mm) or less, or
5 4. Multiple Retaining walls systems providing a cumulative vertical relief of unbalanced backfill heights
6 greater than 5 Feet (1524 mm) in height within a horizontal separation distance of 50 feet (15M) 15 feet
7 (4572 mm) or less.

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

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

13 **Reason Given** – The intent of this modification is to align the residential code with the commercial code
14 for retaining walls on a site not supporting a structure.

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

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20 **2. Request from Carl Martin representing the Department of Insurance to amend the 2018 NC**
21 **Building Code, Section 116.**

22
23 **SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT**

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

26
27 **116.1 General.** Unsafe structures and equipment must comply with the *NC Administrative Code and*
28 *Policies, Section 204.2.8.*

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30 **116.2 Public access.** The structure owner or his representative shall secure the unsafe structure by a
31 method *approved* by the local *building official* to prevent public access. The *approved* method shall be in
32 place within the time limit specified in writing by the *building official* in the notice of unsafe building.

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34 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
35 2022 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2023).

1 **Reason Given** – The purpose of this amendment is to provide a direct means to protect the public from
2 unsafe buildings. The NCFC directs the fire official to notify the building official of an unsafe building,
3 but the NCBC currently provides no direction on how to address securing an unsafe building.

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 **3. Request from Carl Martin representing the Department of Insurance to amend the 2018 Building**
10 **Code, Section 3006.2.**

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12 **3006.2 Hoistway opening protection required.** Elevator hoistway door openings for occupied and
13 unoccupied stories shall be protected in accordance with Section 3006.3 where an elevator hoistway
14 connects more than three *stories*, is required to be enclosed within a *shaft enclosure* in accordance with
15 Section 712.1.1 and any of the following conditions apply:

- 16 1. The building is not protected throughout with an *automatic sprinkler system* in accordance with Section
17 903.3.1.1 or 903.3.1.2.
- 18 2. The building contains a Group I-1, Condition 2 occupancy.
- 19 3. The building contains a Group I-2 occupancy.
- 20 4. The building contains a Group I-3 occupancy.
- 21 5. The building is a high rise and the elevator hoistway is more than 75 feet (22 860 mm) in height. The
22 height of the hoistway shall be measured from the *lowest floor* to the highest floor of the floors served by
23 the hoistway.

24
25 **Exceptions:**

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

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34 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
35 2022 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2023).

1 **Reason Given** – The purpose of this amendment is to clarify the need for unoccupied stories to be
2 protected the same as occupied stories to restrict the possible entrance of smoke and hot gases from those
3 vacant stories into an elevator shaft.

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 **4. Request from Carl Martin representing the Department of Insurance to amend the 2018 NC**
10 **Building Code, Section 3006.3.**

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12 **3006.3 Hoistway opening protection.** Where Section 3006.2 requires protection of the elevator hoistway
13 door opening, the protection shall be provided by one of the following:

14
15 1. An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway *shaft*
16 *enclosure* doors from each floor by fire partitions in accordance with Section 708. In addition, doors
17 protecting openings in the elevator lobby enclosure walls shall comply with Section 716.5.3 as required for
18 *corridor* walls. Penetrations of the enclosed elevator lobby by ducts and air transfer openings shall be
19 protected as required for *corridors* in accordance with Section 717.5.4.1.

20 2. An enclosed elevator lobby shall be provided at each floor to separate the elevator hoistway *shaft*
21 *enclosure* doors from each floor by smoke partitions in accordance with Section 710 where the building is
22 equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or
23 903.3.1.2. In addition, doors protecting openings in the *smoke partitions* shall comply with Sections
24 710.5.2.2, 710.5.2.3 and 716.5.9. Penetrations of the enclosed elevator lobby by ducts and air transfer
25 openings shall be protected as required for *corridors* in accordance with Section 717.5.4.1.

26 3. Additional doors shall be provided at each elevator hoistway door opening in accordance with Section
27 3002.6. Such door shall comply with the smoke and draft control door assembly requirements in Section
28 716.5.3.1 when tested in accordance with UL 1784 without an artificial bottom seal and contain a vision
29 panel as allowed by Table 716.5. The door shall not be installed in a way that affects the fire-resistance-
30 rating or operation of the normal elevator shaft doors.

31 4. The elevator hoistway shall be pressurized in accordance with Section 909.21.
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33 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
34 2022 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2023).

35 **Reason Given** – The purpose of this amendment is to add vision panels as required by the Elevator
36 Division of NC DoL to provide emergency responders the opportunity to see what is happening on a floor

1 before opening the smoke and draft control door and exposing the elevator shaft to possible smoke and hot
2 gases.

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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8 **5. Request from Colin Triming representing the NC Fire Code Revision Committee to**
9 **amend the 2018 NC Fire Code, Section 304.4.2.3.**

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11 304.4.2.3. Containers used for valet trash collection shall not exceed a capacity of 2.0 cubic feet (15 gallons,
12 0.06 cubic meters) and shall be provided with tight-fitting or self-closing lids. Containers and lids shall
13 ~~comply with either:~~

14
15 ~~1. Containers and lids located in an area that is protected by fire sprinklers shall be constructed entirely of~~
16 ~~noncombustible materials or materials that meet a peak rate of heat release not exceeding 300 kW/m² when~~
17 ~~tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.~~
18 ~~Containers and lids shall be listed or bear the label of an approved agency that validates compliance with~~
19 ~~this requirement; or,~~

20 ~~2. Containers and lids located in an area that is not protected by fire sprinklers shall be constructed entirely~~
21 ~~of noncombustible materials or materials that meet a peak rate of heat release not exceeding 150 kW/m²~~
22 ~~when tested in accordance with ASTM E 1354 at an incident heat flux of 50 kW/m² in the horizontal~~
23 ~~orientation. Containers and lids shall be listed or bear the label of an approved agency that validates~~
24 ~~compliance with this requirement~~

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26 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is March 1,
27 2022 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2023).

28 **Reason Given** – The purpose of this amendment is to allow the use of the same valet trash collection
29 containers in sprinklered and non-sprinklered buildings equally.

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

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35 **NOTICE:**

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

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

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4 **NOTICE:**

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

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

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