

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

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3 **NORTH CAROLINA BUILDING CODE COUNCIL**

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

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

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

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

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17 **Public Hearing:** *Tuesday, March 15, 2022, 9:00AM, Albemarle Building, 325 North Salisbury Street,*
18 *Raleigh, NC 27603, 2nd 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 (email*
23 *carl.martin@ncdoi.gov). Comments on both the proposed rule and any fiscal impact will be accepted.*
24 *Comment period expires on April 18, 2022.*

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

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29 **Statement of Subject Matter:**

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31 **1. Request from Kevin Brinkman representing the National Elevator Industry, Inc. (NEII) to amend**
32 **2018 NC Plumbing Code, Section 1003.4.**

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34 **1003.4 Oil Separators required.** *At repair garages where floor or trench drains are provided, car washing*
35 *facilities, factories where oily and flammable liquid wastes are produced and hydraulic elevator pits, oil*
36 *separators shall be installed into which oil-bearing, grease-bearing or flammable wastes shall be discharged*
37 *before emptying into the building drainage system or other point of disposal.*

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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.

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

Reason Given – The purpose of this amendment is to align the North Carolina Plumbing Code requirement with the 2018 International Plumbing Code and eliminate an issue created by the sentence proposed for deletion.

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.

2. Request from Jamieson Stapleton representing Southern Energy Management to amend footnote h of 2018 NC Energy Code, Table R405.5.2(1) and 2018 NC Residential Code, Table N1105.5.2(1).

h. 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: $AF = A_s \times FA$

$\times F$ where:
 $AF =$ ~~Total glazing area~~ Revised reference design total glazing area
 $A_s =$ Standard reference design total glazing area $\equiv 0.15 \times$ Conditioned Floor Area
 $FA =$ (Above-grade thermal boundary gross wall area)/(above-grade boundary wall area + 0.5 \times below-grade boundary wall area).

$F =$ (Above-grade thermal boundary wall area)/(above-grade thermal 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, A_s and CFA~~ AF, A_s and CFA are in the same units.

1 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is
 2 June 1, 2022 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2023).
 3 **Reason Given** – The purpose of this amendment is remove an unintended consequence of always setting
 4 the reference case glazing to less than the proposed design glazing area, even when the proposed area is quite
 5 small.
 6 **Fiscal Statement** – This rule is anticipated to provide equivalent compliance with no net decrease/increase
 7 in cost. This rule is not expected to either have a substantial economic impact or increase local and state
 8 funds. A fiscal note has not been prepared. Because this amendment is a correction to make an existing
 9 formula usable the required cost/benefit analysis result is that there is no additional cost or cost savings.
 10 **Cost Benefit Analysis (as required by GS 1430138(a1)(2))** is published online at the following link:
 11 <https://www.ncosfm.gov/20211214-b-6-2018-nc-energy-code-table-40552-footnote-h-cost-benefit-analysis>.
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13 **3. Request from Bryan P. Holland representing the National Electrical Manufacturers Association**
 14 **(NEMA) to amend the 2020 Electrical Code, Sections 10.1 and 10.2.**

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 16 **10.1 TITLE**

17 These Administrative Regulations along with the requirements included in the 2020 Edition of the National
 18 Electrical Code (NFPA-70 - 2020) as adopted by the North Carolina Building Code Council on June 8,
 19 2021, to be effective November 1, 2021, with the following amendments:
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|----------------------|-------------------|-------------------|
| 21 (1) 110.26(E)(2) | (12) 230.67 | (23) 334.15(C) |
| 22 (2) 210.8 | (13) 230.71(B) | (24) 406.4(D)(4) |
| 23 (3) 210.8(A) | (14) 230.85 | (25) 410.2 |
| 24 (4) 210.8(A)(2) | (15) 250.50 | (26) 410.16(C) |
| 25 (5) 210.8(A)(3) | (16) 250.53(A)(2) | (27) 555.10(3) |
| 26 (6) 210.8(A)(5) | (17) 250.140 | (28) 555.35(A)(3) |
| 27 (7) 210.8(B)(4) | (18) 250.142(B) | (29) 680.4 |
| 28 (8) 210.8(F) | (19) 300.3(B) | (30) 680.21(D) |
| 29 (9) 210.12(D) | (20) Table 300.5 | (31) 695.2 |
| 30 (10) 210.52(B)(2) | (21) 300.9 | (32) 695.3 |
| 31 (11) 210.52(C)(2) | (22) 320.23(A) | |

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 33 shall be known as the North Carolina Electrical Code, and may be cited as such or as the State Electrical
 34 Code; and will be referred to herein as “the code” or “this code”. This code shall ~~not~~ apply to one- and two-
 35 family dwellings effective November 1, 2022. ~~The 2017 State Electrical Code shall apply to one- and two-~~
 36 ~~family dwellings.~~
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1 **10.2 SCOPE**

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

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

8 **Reason Given** – The purpose of this amendment is to apply the code to one- and two-family dwellings and
9 to test the applicability of NCGS 143-138(d) to amendments to the NC Electrical Code.

10 **Fiscal Statement** – This rule is anticipated to provide a net increase in cost to one- and two-family
11 dwellings. This rule is expected to have a substantial economic impact. A fiscal note has been prepared
12 and can be obtained from the following website: [https://www.ncosfm.gov/bcc-agenda-20211214-](https://www.ncosfm.gov/bcc-agenda-20211214-december-14-2021-item-b7-2020-nec-fiscal-note)
13 [december-14-2021-item-b7-2020-nec-fiscal-note.](https://www.ncosfm.gov/bcc-agenda-20211214-december-14-2021-item-b7-2020-nec-fiscal-note)

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16 **NOTICE:**

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

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

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22 **NOTICE:**

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

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

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