

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 Code and*
9 *Policies, Building Code, Electrical Code, Energy Conservation Code, Existing Building Code, Fire Code,*
10 *Fuel Gas Code, Mechanical Code, Plumbing Code and Residential Code amendments.*

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

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

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18 **Public Hearing:** *Tuesday, December 10, 2024, 9:00AM, Albemarle Building, 325 North Salisbury Street,*
19 *Raleigh, NC 27603, 2nd Floor Training Room 245. Comments on both the proposed rules and any fiscal*
20 *impacts will be accepted.*

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22 **Comment Procedures:** *Written comments may be sent to David B. Rittlinger, Secretary, NC Building*
23 *Code Council, NC Department of Insurance: Office of the State Fire Marshal, 1429 Rock Quarry Road,*
24 *Raleigh, NC 27610 (email david.rittlinger@ncdoi.gov). Comments on both the proposed rule and any*
25 *fiscal impact will be accepted. Comment period expires on January 14, 2025.*

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27 **Link to Agency Notice:**

28 <https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice>

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30 **Statement of Subject Matter:**

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32 **1. Request from Carl Martin representing himself to amend the 2024 NC Building Code, Section**
33 **1108.6.1.2 Type B units as follows:**

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35 **1108.6.1.2 Type B units. (Deleted)** ~~In structures with four or more dwelling units or sleeping units~~
36 ~~intended to be occupied as a residence, every dwelling unit and sleeping unit intended to be occupied as a~~

1 ~~residence shall be a Type B unit. Exception: The number of Type B units is permitted to be reduced in~~
2 ~~accordance with Section 1108.7.~~

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4 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
5 1, 2026, unless the BCC assigns a delayed effective date.

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7 **Reason Given** – The proposed amendment deletes section 1108.6.1.2 because the requirements of that
8 section should only apply to dwelling and sleeping units intended to be occupied for a period greater than
9 30 days which would make the units Group R-2, and section 1108.6.2.2.2 will apply. I do not see a logical
10 need to require dwelling and sleeping unit that are occupied by a tenant for 30 days or less to be Type B.

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12 **Fiscal Statement** – No impact to federal, state and local government funds. No substantial impact and/or
13 an increase of more than \$80 per dwelling. A fiscal note has not been prepared.

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15 **2. Request from Anthony L. Smith and Kerry J. Smith representing Carteret Boat Storage to amend**
16 **the 2024 NC Fire Code by adding an exception to Section 906.1 as follows and as amended during the**
17 **9/10/24 NCBCC meeting and public hearing:**

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19 **906.1 Where required.** Portable fire extinguishers shall be installed in all of the following locations:

- 20 1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

21 **Exceptions:**

- 22 1. In Group R-2 occupancies, portable fire extinguishers shall be required only in
23 locations specified in Items 2 through 6 where each dwelling unit is provided with a
24 portable fire extinguisher having a minimum rating of 1-A:10-B:C.
25 2. In Group E occupancies, portable fire extinguishers shall be required only in
26 locations specified in Items 2 through 6 where each classroom is provided with a
27 portable fire extinguisher having a minimum rating of 2-A:20-B:C.
28 3. In storage areas of Group S occupancies where forklift, powered industrial truck or
29 powered cart operators are the primary occupants, fixed extinguishers, as specified in
30 NFPA 10, shall not be required where in accordance with all of the following:
31 3.1. Use of vehicle-mounted extinguishers shall be *approved* by the *fire code*
32 *official*.
33 3.2. Each vehicle shall be equipped with a 10-pound, 40A:80B:C extinguisher
34 affixed to the vehicle using a mounting bracket *approved* by the extinguisher
35 manufacturer or the *fire code official* for vehicular use.
36 3.3. Not less than two spare extinguishers of equal or greater rating shall be
37 available on-site to replace a discharged extinguisher.

1 3.4. Vehicle operators shall be trained in the proper operation, use and
2 inspection of extinguishers.

3 3.5. Inspections of vehicle-mounted extinguishers shall be performed daily.

4 4. Group S Self Service Dry Boat storage buildings that are a maximum of one-story in
5 height and contain leased units that are locked and have no common corridor for egress
6 shall only require a portable fire extinguisher in the onsite business office of the storage
7 facility. If no business office is located onsite, a portable fire extinguisher shall not be
8 required. When a fire extinguisher is provided in the business office and this exception is
9 used, a sign located on the exterior of each leased unit door shall be permanently
10 mounted a minimum of 48 inches and a maximum of 60 inches above grade with a
11 minimum height of 2 inches and contrast with the background. that reads as follows: IN
12 CASE OF FIRE CALL 911. The sign lettering shall be all capitals.

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14 **Motion/Second/Approved** – The request was granted. The proposed effective date of this rule is January
15 1, 2026, unless the BCC assigns a delayed effective date.

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17 **Reason Given** – Buildings in which Group S-1 and S-2 items are stored may be very different. One-story
18 buildings with individual locked units have minimal occupant load as compared to warehouse buildings or
19 dry-stack boat storage where multiple units are stored in large facilities, and human activity is present. The
20 need for escape from an individually leased unit which is locked and inaccessible is minimal, and since the
21 only place for a fire extinguisher to be installed is outside the building, the extinguisher cannot aid in the
22 escape from inside the building. There is no common corridor from which to escape. Once outside, an
23 individual’s escape has already been accomplished. In addition, if the exterior fire extinguisher is meant to
24 provide a tool for fighting a fire, large or small, NFPA states that only adults who know how to operate a
25 fire extinguisher should use them. If safe escape is the primary use of a fire extinguisher, and only trained
26 adults should use them, requiring exterior fire extinguishers, in situations where doors are locked, and any
27 untrained person or vandal is invited to use the device is a gross defiance of the standards of the National
28 Fire Protection Association. Therefore, the Code should be changed to more specifically address the
29 practical need for extinguishers.

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31 **Fiscal Statement** – No impact to federal, state and local government funds. No substantial impact and/or
32 an increase of more than \$80 per dwelling. A fiscal note has not been prepared.

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34 **NOTICE:**

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

37 <https://www.ncosfm.gov/interpretations>

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2 **NOTICE:**

3 *Amendments of the North Carolina State Building Codes are published online at the following link.*

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

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6 **NOTICE:**

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

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