



# North Carolina Building Code Council

Staffed by the NC Department of Insurance

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## Building Code Council

### Chair:

Bridget Herring - 23  
(Public Representative)

### Vice Chairman:

Mark Matheny - 27  
(Building Inspector)

### Members:

Michael Ali, PE - 23  
(State Agency)

Robert Axford - 25  
(Electrical Contractor)

Chris Berg, PE - 27  
(Structural Engineer)

Andrew C. Cole, AIA - 28  
(Architect)

Gary Embler - 23  
(Home Builder)

Ralph Euchner - 25  
(Gas Industry)

David Gieser, RA - 28  
(Architect)

Jeff Hilton - 28  
(Coastal Contractor)

Natalie MacDonald, PE - 27  
(Mechanical Engineer)

Gloria Shealey - 27  
(General Contractor)

Deborah Shearin - 25  
(Plumbing & Heating Contractor)

Jason B. Shepherd - 27  
(Fire Services)

Victoria Watlington, PE - 28  
(Municipal Government Rep)

Kim Wooten, PE - 25  
(Electrical Engineer)

Robert Zapple - 28  
(County Gov't Rep)

## Minutes of the North Carolina Building Code Council June 13, 2023 Raleigh, NC

The following are summary minutes. The official minutes of this meeting are recorded. Anyone desiring digital copies of this recording should contact the Engineering Division of the NC Department of Insurance for information and reproduction costs or access the following OSFM website:

<https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-meeting-recordings>. The next scheduled NC Building Code Council meeting will be held **Tuesday, September 12, 2023** at 325 Salisbury Street, Raleigh, NC in room 245.

Facebook Live was provided for the purpose of allowing the public to view and hear the meeting in process. However, due to a technical issue the audio was not audible.

Meeting called to order.

A roll call of Council members was completed. All members of the North Carolina Building Code Council were present for the Council meeting except Ralph Euchner. The following members attended virtually: Robert Axford, Gloria Shealey, Victoria Watlington, and Kim Wooten.

Consistent with Rules 4:56 and 44:12 of Robert's Rules of Order (12<sup>th</sup> ed.), the presiding officer, Chair Bridget Herring, elected to protect her impartial position by exercising her right to vote only when her vote would affect the outcome by causing or breaking a tie.

## **Part A – Administrative Items**

### **Item A – 1 Ethics Statement: Inquire upon conflicts of interest or appearance of conflicts of interest that exist within the Council.**

J. Shepherd noted that he was the petitioner for Items B-10, B-12 and B-13. Chair Bridget Herring noted that Mr. Shepherd could speak in support of Items B-10, B-12 and B-13, but could not vote on them. J. Shepherd acknowledged this and agreed to recuse himself from voting on those three items. No other actual or potential conflicts of interest were noted.

### **Item A – 2 Approval of minutes of the March 14, 2023 NC Building Code Council Meeting.**

**J. Hilton made a motion to approve the pending minutes. Second made by R. Zapple. Motion approved.**

### **Item A – 3 Request from Iredell County Building Standards “Inspection Jurisdiction 213” request approval to perform local plan review in accordance with Table 104.1 Footnote 1 and Section 104.1.2 of the 2018 NC Administrative Code and Policies.**

Carl Martin, NCDOI staff, addressed the Council regarding this item giving his recommendation to approve the request for a Council vote.

**D. Gieser made a motion to approve this item, Second made by C. Berg. Motion approved.**

### **Item A – 4 Request from Franklin County for approval to adopt the Fire Prevention and Life Safety Ordinance of Franklin County, North Carolina as Chapter 11 in the Franklin County Code of Ordinances.**

Charlie Johnson, NCDOI staff, addressed the Council regarding this item. This item was withdrawn by the proponent pending additional documentation.

### **Item A – 5 Request from Person County for approval to adopt the Person County Fire Protection and Prevention Ordinance.**

Charlie Johnson, NCDOI staff, addressed the Council regarding this item giving recommendation to approve this request.

J. Shepherd, Chair of the Fire Standing Committee, stated this item has the support of the committee to be brought before the Council for a vote.

**K. Wooten made a motion to approve this item. Second made by J. Shepherd. Motion approved.**

**Item A – 6 Request from the Town of Boone to adopt the revised Chapter 92 of the Town of Boone Code of Ordinances relating to Fire Prevention and Protection. This includes a request to adopt all appendices listed in the NC Fire Code.**

Charlie Johnson, NCDOI staff, addressed the Council regarding this item giving recommendation to approve this request.

J. Shepherd, Chair of the Fire Standing Committee, stated this item has the support of the committee to be brought before the Council for a vote.

**M. Ali made a motion to approve this item. Second made by A. Cole. Motion approved.**

**Item A – 7 Vance County currently does not have staff with Standard Level III inspections certificates in Building and Electrical. The county is, therefore, out of compliance with the 2018 NC Administrative Code and Policies Section 104.1.2 and Table 104.1. Because the county is out of compliance, NC Department of Insurance requests removal of Vance County from the list of jurisdictions approved to provide plan review under the 2018 NC Administrative Code and Policies Section 104.1.2 and Table 104.1.**

Carl Martin, NCDOI staff, addressed the Council regarding this item recommending removal of Vance County from the list of jurisdictions approved to provide plan review as they no longer have the necessary Level III Standard Inspector Certificates per the requirements of 2018 NC Administrative Code and Policies 104.1.2.

**D. Gieser made a motion to approve this item. Second made by M. Ali. Motion approved.**

**Item A – 8 Rules Review Commission Meeting Report**

David Rittlinger, NCDOI staff, reported the Rules Review Commission met in May regarding the items that passed at the March 2023 Building Code Council meeting.

1. Item D-1 regarding travel distances to plumbing fixtures for churches was approved. Item D-1 has an effective date of 1/1/24.

2. Item D-2 regarding occupant circulation areas for decks surrounding pools was approved. Item D-2 has an effective date of 1/1/24.

### **Item A – 9 Public Comments**

Chair Bridget Herring reminded everyone that public comments for C-items are addressed by the NCBCC later in Part C and not during Part A.

### **Part B – New Petition for Rulemaking**

The following Petitions for Rulemaking have been received since the last Council meeting. The Council will vote either to deny or grant these Petitions. The Council will give no further consideration to Petitions that are denied. Petitions that are granted may proceed through the Rulemaking process. The council may send any Petition to the appropriate committee. The hearing will take place during or after the June 13, 2023 meeting. All B items can be viewed and downloaded from:

<https://www.ncosfm.gov/news/events/building-code-council-meeting-june-13-2023>

### **Item B – 1 Request from the BCC Mechanical Standing Committee to adopt the 2024 edition of the North Carolina Mechanical Code as presented by the committee.**

Natalie MacDonald, Chair of the Mechanical Standing Committee, stated this item has the support of the committee to be brought before the Council for a vote.

**Commercial Super Committee: Motion to accept made by C. Berg. Second made by D. Gieser.**

**Motion passed.**

**Building Code Council: Motion to accept made by D. Shearin. Second made by M. Matheny.**

**Motion passed.**

### **Item B – 2 Request from the BCC Mechanical Standing Committee to adopt the 2024 edition of the North Carolina Fuel Gas Code as presented by the committee.**

Natalie MacDonald, Chair of the Mechanical Standing Committee, stated this item has the support of the committee to be brought before the Council for a vote.

**Commercial Super Committee: Motion to accept made by K. Wooten. Second made by D. Gieser.**

**Motion passed.**

**Building Code Council: Motion to accept made by M. Matheny. Second made by M. Ali.**

**Motion passed.**

**Item B – 3 Request from the BCC Electrical Ad-Hoc Committee to adopt the 2023 edition of the North Carolina Electrical Code as presented by the committee.**

Gary Embler, Chair of the Residential Standing Committee, stated this item has the support of the committee to be brought before the Council for a vote.

Robert Axford, Chair of the Electrical Standing Committee, stated this item has the support of the committee to be brought before the Council for a vote.

**Commercial Super Committee: Motion to accept made by K. Wooten. Second made by N. MacDonald.**

**Motion passed.**

**Residential Super Committee: Motion to accept made by M. Matheny. Second made by J. Hilton.**

**Motion passed.**

**Building Code Council: Motion to accept made by M. Ali. Second made by C. Berg. Motion passed.**

**Item B – 4 Request from Natalie MacDonald, Chair of the NC BCC Mechanical Standing Committee to adopt and incorporate Chapters 12-23 (Mechanical) and Chapter 24 (Fuel-Gas) of the 2021 edition of the International Residential Code, into the 2024 edition of the NC Residential Code.**

Natalie MacDonald, Chair of the Mechanical Standing Committee, and Gary Embler, Chair of the Residential Standing Committee, stated this item has the support of the committees to be brought before the Council for a vote as two separate sections. This would be divided as follows: Item B-4A: Chapters 12-23 (Mechanical) and Item B-4B: Chapter 24 (Fuel-Gas).

**Residential Super Committee: Motion to accept as two sections as proposed by the committee made by C. Berg. Second made by M. Matheny.**

**Motion passed.**

**Building Code Council: Motion to accept as two sections as proposed by the committee made by N. MacDonald. Second made by R. Zapple.**

**Motion passed.**

**Item B – 4A Request from Natalie MacDonald, Chair of the BCC Mechanical Standing Committee to adopt and incorporate Chapters 12-23 (Mechanical) of the 2021 edition of the International Residential Code, into the 2024 edition of the NC Residential Code.**

**Residential Super Committee: Motion to accept as two sections as proposed by the committee made by C. Berg. Second made by M. Matheny.**

**Motion passed.**

**Building Code Council: Motion to accept as two sections as proposed by the committee made by N. MacDonald. Second made by R. Zapple.**

**Motion passed.**

**Item B – 4B Request from Natalie MacDonald, Chair of the BCC Mechanical Standing Committee to adopt and incorporate Chapter 24 (Fuel-Gas) of the 2021 edition of the International Residential Code, into the 2024 edition of the NC Residential Code.**

**Residential Super Committee: Motion to accept as two sections as proposed by the committee made by C. Berg. Second made by M. Matheny.**

**Motion passed.**

**Building Code Council: Motion to accept as two sections as proposed by the committee made by N. MacDonald. Second made by R. Zapple.**

**Motion passed.**

**Item B – 5 Request from Gloria Shealey, Chair of the NC BCC Energy Standing Committee to adopt and incorporate Chapter 11 (Energy) of the 2021 edition of the International Residential Code, into the 2024 edition of the NC Residential Code.**

Gloria Shealey, Chair of the Energy Standing Committee, deferred this item to Kim Wooten to address any questions from the Council. Kim Wooten stated this item has the support of the committee to be brought before the Council for a vote. A fiscal note and cost benefit analysis, as required by N.C.G.S. 143-138 (a1)(1) and (2), has yet to be provided but will be provided for consideration during the public comment period.

Gary Embler, Chair of the Residential Standing Committee, stated this item has the support of the committee to be brought before the Council for a vote.

**Residential Super Committee: Motion to accept made by C. Berg. Second made by M. Matheny.  
Motion passed.**

**Building Code Council: Motion to accept made by K. Wooten. Second made by N. MacDonald.  
Motion passed.**

**Item B – 6 Request from Gary Embler, Chair of the NC BCC Residential Standing Committee to adopt and incorporate Chapter 11 (Energy), Chapters 12-23 (Mechanical), and Chapter 24 (Fuel-Gas) of the 2018 edition of the NC Residential Code, into the 2024 edition of the NC Residential Code.**

Gary Embler, Chair of the Residential Standing Committee, and Natalie MacDonald, Chair of the Mechanical Standing Committee, stated this item has the support of the committee to be brought before the Council for a vote as three sections. This would be divided as follows: Item 6A – Chapter 11 (Energy); Item 6B – Chapters 12-23 (Mechanical); and Item 6C – Chapter 24 (Fuel-Gas).

**Residential Super Committee: Motion to accept as three sections as proposed by the committee made by D. Shearin. Second made by M. Matheny.  
Motion passed.**

**Building Code Council: Motion to accept as three sections as proposed by the committee made by N. MacDonald. Second made by M. Ali.  
Motion passed.**

**Item B – 6A Request from Gary Embler, Chair of the NC BCC Residential Standing Committee to adopt and incorporate Chapter 11 (Energy) of the 2018 edition of the NC Residential Code, into the 2024 edition of the NC Residential Code.**

**Residential Super Committee: Motion to accept as three sections as proposed by the committee made by D. Shearin. Second made by M. Matheny.  
Motion passed.**

**Building Code Council: Motion to accept as three sections as proposed by the committee made by N. MacDonald. Second made by M. Ali.  
Motion passed.**

**Item B – 6B Request from Gary Embler, Chair of the NC BCC Residential Standing Committee to adopt and incorporate Chapters 12-23 (Mechanical), of the 2018 edition of the NC Residential Code, into the 2024 edition of the NC Residential Code.**

**Residential Super Committee: Motion to accept as three sections as proposed by the committee made by D. Shearin. Second made by M. Matheny.  
Motion passed.**

**Building Code Council: Motion to accept as three sections as proposed by the committee made by N. MacDonald. Second made by M. Ali.  
Motion passed.**

**Item B – 6C Request from Gary Embler, Chair of the NC BCC Residential Standing Committee to adopt and incorporate Chapter 24 (Fuel-Gas) of the 2018 edition of the NC Residential Code, into the 2024 edition of the NC Residential Code.**

**Residential Super Committee: Motion to accept as three sections as proposed by the committee made by D. Shearin. Second made by M. Matheny.  
Motion passed.**

**Building Code Council: Motion to accept as three sections as proposed by the committee made by N. MacDonald. Second made by M. Ali.  
Motion passed.**

**Item B – 7 Request from Annette Powell representing herself to amend the 2024 NC Mechanical Code, Section 312.1 and the 2024 NC Residential Code, Section M1401.3 as follows:**

**312.1 Load calculations.** Heating and cooling system design loads for the purpose of sizing systems, *appliances* and *equipment* shall be determined in accordance with the procedures described in the ASHRAE/ACCA Standard 183. Alternatively, design loads shall be determined by an *approved* equivalent computation procedure, using the design parameters specified in Chapter 3 [CE] of the *International Energy Conservation Code*.

~~For permitting, inspections, certificate of compliance or certificate of occupancy, verification of load and sizing calculation submittals and reviews shall not be required.~~

For permitting, inspections, certificate of compliance or certificate of



occupancy, load and sizing calculation submittals shall be required.

For permitting, inspections, certificate of compliance or certificate of occupancy, load and sizing calculation review shall not be required.

**M1401.3 Equipment and appliance sizing.** Heating and cooling *equipment* and *appliances* shall be sized in accordance with ACCA Manual S or other *approved* sizing methodologies based on building loads calculated in accordance with ACCA Manual J or other *approved* heating and cooling calculation methodologies.

**Exception:** Heating and cooling *equipment* and *appliance* sizing shall not be limited to the capacities determined in accordance with ACCA Manual S where either of the following conditions applies:

1. The specified *equipment* or *appliance* utilizes multistage technology or variable refrigerant flow technology and the loads calculated in accordance with the *approved* heating and cooling calculation methodology are within the range of the manufacturer's published capacities for that *equipment* or *appliance*.
2. The specified *equipment* or *appliance* manufacturer's published capacities cannot satisfy both the total and sensible heat gains calculated in accordance with the approved heating and cooling calculation methodology and the next larger standard size unit is specified.

~~For permitting, inspections, certificate of compliance or certificate of occupancy, verification of Calculations for HVAC Systems ACCA Manual D, ACCA Manual J, ACCA Manual S load and sizing calculation submittals and review shall not be required.~~

For permitting, inspections, certificate of compliance or certificate of occupancy, Calculations for HVAC Systems-ACCA Manual D, ACCA Manual J, ACCA Manual S load and sizing calculation submittals shall be required.

For permitting, inspections, certificate of compliance or certificate of occupancy, Calculations for HVAC Systems-ACCA Manual D, ACCA Manual J, ACCA Manual S load and sizing calculation review shall not be required.

Residential & Mechanical Standing Committees recommended this item be brought forward to the Council with the following modifications to the proposal:

**312.1 Load calculations. ...**

...

For ~~permitting, inspections,~~ certificate of compliance or certificate of occupancy, load and sizing calculations submittals shall be required.

For ~~permitting, inspections,~~ certificate of compliance or certificate of occupancy, load and sizing calculation review shall not be required.

**M1401.3 Equipment and appliance sizing. ...**

...

For ~~permitting, inspections,~~ certificate of compliance or certificate of occupancy, Calculations for HVAC Systems-ACCA Manual D, ACCA Manual J, ACCA Manual S load and sizing calculation submittals shall be required.

For ~~permitting, inspections,~~ certificate of compliance or certificate of occupancy, Calculations for HVAC Systems-ACCA Manual D, ACCA Manual J, ACCA Manual S load and sizing calculation review shall not be required.

In recommending these modifications, each respective Standing Committee cited significant technical difficulties would result in halting permitting and inspections for reviews of these calculation submittals.

Ms. Powell spoke in opposition to the modified language approved by the Residential and Mechanical Standing Committees but did not withdraw this code change proposal. She noted the original code change proposal language protects consumers better than the modified language.

**Residential Super Committee: Motion to approve as modified made by J. Hilton. Second made by D. Shearin. Motion passed.**

**Commercial Super Committee: Motion to approve as modified made by D. Gieser. Second made by N. MacDonald. Motion passed.**

**Building Code Council: Motion to approve as modified made by R. Zapple. Second made by G. Embler. Motion passed.**

**Item B – 8 Request from John Clark representing the Woodford Manufacturing Company to amend the 2024 NC Residential Code, Section P2903.10 as follows:**

**P2903.10 Hose Bibb**

Hose bibbs subject to freezing, ~~including the “frostproof” type, shall be equipped with an accessible stop and waste type valve inside the building so that they can be controlled and drained during cold periods~~ comply with ASSE 1019.

~~**Exception:** Frostproof hose bibbs installed such that the stem extends through the building insulation into an open heated or semiconditioned space need not be separately valved (see Figure P2903.10). Stop and waste systems that utilize ASSE 1011 devices may not be used as the vacuum breaker does not automatically drain and is subject to freezing.~~

Exception: ASSE 1011 equipped hose bibbs may be used in heated spaces where not exposed to freezing temperatures.

John Clark, the petitioner, explained the content and spoke in support of this code change proposal.

Mechanical and Residential Standing Committees recommended this item be brought to the Council for a vote.

**Residential Super Committee: Motion to accept made by J. Hilton. Second made by J. Shepherd.**

**Motion passed.**

**Building Code Council: Motion to accept made by D. Gieser. Second made by J. Hilton.**

**Motion passed.**

**Item B – 9 Request from Cheryl K. Dean and Timothy W. Maloney representing NC Registered Landscape Architects to amend the 2024 NC Administrative Code, Section 204.3.5 and 204.3.5.1 as follows:**

**204.3.5 Design professional seal required.** Where the General Statutes require, no permit shall be issued unless the construction documents (drawings and specifications), bear the North Carolina seal of a registered design professional.

Construction documents shall include the name and address of the business entity (individual, corporation or partnership) with whom the

registered design professional is affiliated. Question concerning this section should be directed to the North Carolina Board of Architecture, ~~or~~ the North Carolina Board of Examiners for Engineers and Land Surveyors or the North Carolina Board of Landscape Architects.

**204.3.5.1 Registered design professional.** The registered design professional shall be a registered architect, licensed professional engineer, registered landscape architect or NICET Level III sprinkler designer legally registered or licensed under the laws of this state.

Cheryl Dean, the petitioner, explained the content and spoke in support this code change proposal.

Chair Bridget Herring and NCDOT staff noted that code change proposal is based on the 2018 NC Administrative Code and Policies and is in conflict with the proposed 2024 NC Administrative Code and Policies (Item D-1).

**This item was withdrawn by the proponent so as to provide an accurate code change proposal for the September 2023 NCBCC public meeting to reflect the language noted in item D-1.**

**Item B – 10 Request from Jason Shepherd to amend the 2024 NC Building Code, Section 907.2.3.1 and the 2024 NC Fire Code, Section 907.2.3.1 as follows:**

2024 NC Building Code

**907.2.3.1 Automatic smoke detection systems.**

An automatic smoke detection system that initiates the occupant notification in accordance with Section 907.5.2.2 shall be installed throughout all stories of Group E buildings.

**Exceptions:**

1. An automatic smoke detection system shall not be required in Group E occupancies with an *occupant load* of 50 or less.
2. An automatic smoke detection system shall not be required in Group E occupancies that are protected with an *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1.
3. An automatic smoke detection system shall not be required in licensed day care facilities complying with Section 429.

2024 NC Fire Code

**907.2.3.1 Automatic smoke detection systems.**

An automatic smoke detection system that initiates the occupant notification in accordance with Section 907.5.2.2 shall be installed throughout all stories of Group E buildings.

**Exceptions:**

1. An automatic smoke detection system shall not be required in Group E occupancies with an *occupant load* of 50 or less.
2. An automatic smoke detection system shall not be required in Group E occupancies that are protected with an *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1.

Jason Shepherd, the petitioner, explained the content and spoke in support of this code change proposal.

The Building and Fire Standing Committees recommended this item being brought to the Council for a vote with the amended 2024 NCBC 907.2.3.1, Exception 3 to reflect Section 431 instead of Section 429 and for item 3 to be added to the Exceptions in 2024 NC Fire Code 907.2.3.1 as follows:

3. An automatic smoke detection system shall not be required in licensed day care facilities complying with Section 431 of the *International Building Code*.

**Commercial Super Committee: Motion to accept as amended made by N. MacDonald. Second made by D. Gieser. Motion passed.**

**Building Code Council: Motion to accept as amended made by K. Wooten. Second made by R. Zapple. Motion passed.**

**Item B – 11 Request from the Fire Code Revision Committee to amend the 2024 NC Building Code and 2024 NC Fire Code, Sections 1010.2.14, 1010.2.14.4 and 1010.2.1 as follows:**

**1010.2.14 Controlled egress doors in Groups I-1, I-2, and R-4, and E.**

**1010.2.14.4 Group E Classrooms.** Electric locking systems, including electro-mechanical locking systems and electromagnetic locking systems, shall be permitted to be installed on exit or exit access doors leading from Group E classrooms and day care classrooms within a Group E occupancy where identified and documented by the local school administration as having one or more students that require restraint to preserve the safety of the student or students and meeting all of the following:

1. The building is equipped with a *fire alarm system* in accordance with Section 907.2.3 (Section 907.2.3, Exception 1 is not applicable).
2. The door locks shall unlock on actuation of the *fire alarm system* and remain unlocked until the *fire alarm system* has been reset.
3. The door locks shall unlock on loss of power controlling the lock or lock mechanism.
4. A building occupant shall not be required to pass through more than one door equipped with a controlled egress locking system before entering an exit.
5. The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the *International Fire Code*.
6. Staff within the rooms equipped with controlled egress shall have the keys, codes or other means necessary to operate the locking systems.
7. When operated, the locking system shall remain unlocked for not less than 30 seconds.
8. Emergency lighting shall be provided at the door.
9. The door locking system units shall be listed in accordance with UL 294.

**1010.2.1 Unlatching.** The unlatching of any door or leaf for egress shall require not more than one motion in a single linear or rotational direction to release all latching and all locking devices.

**Exceptions:**

1. Places of detention or restraint.
2. Where manually operated bolt locks are permitted by Section 1010.2.5.
3. Doors with automatic flush bolts as permitted by Section 1010.2.4, Item 4.
4. Doors from individual *dwelling units* and *sleeping units* of Group R occupancies as permitted by Section 1010.2.4, Item 5.
5. ~~Group E classrooms identified by the local school administration as having one or more students that require~~

~~restraint to preserve the safety of the student or students shall be permitted to have latching devices that require a maximum of two motions to unlatch the door from the egress side.~~

The Building and Fire Standing Committees recommended this item to be brought to the Council for a vote.

**Commercial Super Committee: Motion to accept made by N. MacDonald. Second made by D. Gieser.  
Motion passed.**

**Building Code Council: Motion to accept made by M. Ali. Second made by R. Zapple.  
Motion passed.**

**Item B – 12 Request from Jason Shepherd representing the Durham County Fire Marshal to amend the 2024 NC Fire Code, Section 105.5.32 as follows:**

**105.5.32 Mobile food preparation vehicles.** (optional permit). An operational permit is required for *mobile food preparation vehicles* equipped with appliances that produce smoke or grease-laden vapors. Permits shall originate from the commissary address where the mobile food preparation vehicle is associated.

Jason Shepherd, the petitioner, explained the content and spoke in support of this code change proposal.

The Fire Standing Committee recommended this item to be brought to the Council for a vote.

**Commercial Super Committee: Motion to accept made by N. MacDonald. Second made by D. Gieser.  
Motion passed.**

**Building Code Council: Motion to accept made by R. Zapple. Second by A. Cole.  
Motion passed.**

**Item B – 13 Request from Jason Shepherd representing the Durham County Fire Marshal to amend the 2024 NC Fire Code, Sections 319.11.1 and 319.11.13 as follows:**

**319.11.1 Stability.** *Mobile food preparation vehicles* shall be stabilized against movement when parked for food prep operations in accordance with Section 319.11.1.1 through 319.11.1.23.

**319.11.1.3 Mobile cooking operations.** *Mobile food preparation vehicles shall be separated from buildings, structures, canopies, tents, combustible materials, vehicles, and other cooking operations by a minimum of 10 feet (3048mm). Exhaust shall be directed away from openings, air intakes and away from any means of egress.*

Jason Shepherd, the petitioner, explained the content and spoke in support of this code change proposal.

The Fire Standing Committee recommended this item be brought to the Building Code Council for a vote.

**Commercial Super Committee: Motion to accept made by K. Wooten. Second made by C. Berg.  
Motion passed.**

**Building Code Council: Motion to accept made by R. Zapple. Second by A. Cole.  
Motion passed.**

**Item B – 14 Request from Judith Dowdall to amend the 2024 NC Fire Code and the 2024 NC Building Code, Section 903.3.1.2.1 as follows:**

**903.3.1.2.1 Balconies and decks.** ~~Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of *dwelling units* and *sleeping units* where the building is of Type V construction, provided there is a room or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.~~

Judith Dowdall, the petitioner, explained the content and spoke in support of this code change proposal. Ms. Dowdall noted that a frozen sprinkler pipe burst near Christmas Day 2022, and significantly damaged her condominium therefore, sprinklers on balconies and decks should not be required by code because they are dangerous.



The joint Building and Fire Code Standing Committee recommended this item be denied because of safety concerns associated with reducing minimum code requirements. NFPA 13, 13R, and 13D Standards require insulation for sprinkler pipes subject to freezing.

**Commercial Super Committee: Motion to deny made by J. Shepherd. Second made by D. Gieser.  
Motion passed.**

**No further action taken by the Building Code Council.**

### **Part C – Notice of Rulemaking Proceedings and Public Hearing**

The following Petitions for Rulemaking have been granted by the Council. Notice of Rulemaking proceedings has been made. The Public Hearing was held on June 13, 2023, and the Final Adoption meeting may take place on or after September 12, 2023. The written public comment period expires on July 14, 2023. All C items can be viewed and downloaded from: <https://www.ncosfm.gov/news/events/building-code-council-meeting-march-14-2023>.

Items C-1 and C-2 represent the proposed amendments to the 2021 International Codes to establish the 2024 NC Building Codes.

The 2021 International Codes for Items C-1 and C-2 can be found by clicking on the applicable code icon at the following link on the ICC website:

<https://codes.iccsafe.org/codes/i-codes/2021-icodes>.

**Item C – 1 Request from the NC Building Code Council Mechanical Standing Committee to adopt the 2024 edition of the North Carolina Plumbing Code as presented by the committee as follows (230314 Item B-1):**

The proposed amendments to the 2021 International Plumbing Code to establish the 2024 NC Plumbing Code can be found at the following link on the NCDOI website. Select the link to “B-1 2024 NCPC”:

<https://www.ncosfm.gov/news/events/building-code-council-meeting-march-14-2023>

The 2021 International Plumbing Code can be found at the following link on the ICC website:

<https://codes.iccsafe.org/content/IPC2021P3>

No comments.

**Item C – 2 Request from the NC Building Code Council Residential Standing Committee to adopt the 2024 edition of the North Carolina Residential Code, Chapters 1-10, 25-33, 45, 46, and Appendices as presented by the committee as follows (230314 Item B-4):**

The proposed amendments to the 2021 International Residential Code, Chapters 1-10, 25-33, 45, 46 and Appendices to establish the 2024 NC Residential Code, Chapters 1-10, 25-33, 45, 46 and Appendices can be found at the following link on the NCDOI website. Select the link to “B-4 2024 NCRC Chapters 1-10 and 25-33 and 45-46 and Appendices”: <https://www.ncosfm.gov/news/events/building-code-council-meeting-march-14-2023>

The 2021 International Residential Code, Chapters 1-10, 25-33, 45, 46 and Appendices can be found at the following link on the ICC website: <https://codes.iccsafe.org/content/IRC2021P2>

David Sokal spoke to the omission of the energy code provision of Chapter 11 which does not apply to this item. Mr. Sokal also spoke to opposition of the proposed NC Legislature House Bill 488 and noted it is tied to the omission of Chapter 11 from this petition.

Ward Lenz, Executive Director NC Sustainable Energy Association, spoke to the omission of the energy code provision of Chapter 11, which does not apply to this item. Mr. Lenz encouraged that the energy code provisions be updated.

Chair Bridget Herring clarified that Chapter 11 of the Residential Code is a separate code change petition and public comments on that proposal are only appropriate during its respective public comment period and at the NCBCC public hearing on September 12, 2023.

Cliff Isaac with the NCHBA spoke in support of this item.

**Item C – 3 Request from Carl Martin representing NCDOI to amend the 2024 NC Building Code, Section 101.2 as follows (230314 Item B-8):**

**[A] 101.2 Scope.** The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

**Exception:** If any of the following apply, then the building or structure is exempt from the provisions of this code:

1. Detached one- and two-family *dwelling*s and *townhouses* not more than three *stories above grade plane* in height with a separate *means of egress*, and their accessory structures not more than three *stories above grade plane* in height, shall comply with this code or the *International Residential Code*.
2. Farm buildings not used for:
  - a. Sleeping purposes; or
  - b. Storage of hazardous materials in excess of those listed in Tables 307.1(1) and 307.1(2) within the building rules jurisdiction of any municipality.
3. The design, construction, location, installation or operation of equipment for storing, handling and transporting liquefied petroleum gases for fuel purposes up to the outlet of the first stage pressure regulator, anhydrous ammonia or other liquid fertilizer.
4. The design, construction, location, installation or operation of equipment of facilities of a public utility, as defined in N.C.G.S. 62-3, or electric or telephone membership corporation, including without limitation poles, towers and other structures supporting electric or communication lines from the distribution network up to the meter location.
5. The storage and handling of substances governed by the Hazardous Chemical Right to Know Act in N.C.G.S. Chapter 95, Article 18.
6. Retaining walls complying with any of the following:
  - a. 3 feet or less in height where a guard is required;
  - b. 5 feet or less of cumulative fill within 3 feet horizontally from the wall;
  - c. Not located within 15 feet of another retaining wall; and
  - d. Not located within 3 feet of a building or structure.
7. Farm structures exempt by N.C.G.S 143-138(b4).

Carl Martin, NCDOI staff, addressed the Council as the proponent of Items C-3, C-4, C-5, and C-6 as they inform the public of the farm exception noted in N.C.G.S. 143-138(b4).

**Item C – 4 Request from Carl Martin representing NCDOI to amend the 2024 NC Fire Code, Section 102.13 as follows (230314 Item B-9):**

**102.13 Exception to applicability.** The provisions of this code shall not apply to the following:

1. Occupancy of one- and two-family dwellings.
2. Farm buildings not used for:
  - a. Sleeping purposes; or

- b. Storage of hazardous materials in excess of those listed in Tables 5003.1.1(1) and 5003.1.1(2) within the building rules jurisdiction of any municipality.
- 3. The design, construction, location, installation, or operation of equipment for storing, handling, and transporting liquefied petroleum gases for fuel purposes up to the first stage regulator, liquefied natural gases, and anhydrous ammonia or other liquid fertilizers.
- 4. The design, construction, location, installation or operation of equipment or facilities of a public utility, as defined in N.C.G.S. 62-3, or an electric or telephone membership corporation, including without limitation poles, towers and other structures supporting electric or communication lines from the distribution network up to the meter location.  
**Exception:** All buildings owned and operated by a public utility or an electric or telephone membership corporation shall meet the provisions of the code.
- 5. The storage and handling of substances governed by the Hazardous Chemicals Right to Know Act in N.C.G.S. Chapter 95, Article 18.
- 6. Open burning pursuant to N.C.G.S. 106-940 through 106-950 under the jurisdiction of the North Carolina Department of Agriculture and Consumer Services.
- 7. Farm structures exempt by N.C.G.S 143-138(b4).

**Item C – 5 Request from Carl Martin representing NCDOI to amend the 2024 NC Existing Building Code, Section 101.2 as follows (230314 Item-10):**

**[A] 101.2 Scope.** The provisions of this code shall apply to the *repair, alteration, change of occupancy, addition* to and relocation of *existing buildings*.

**Exceptions:**

- 1. Detached on- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the *International Residential Code*.
- 2. This code shall not apply to buildings constructed under exemption by North Carolina State law to compliance with North Carolina State Building Codes.

**Item C – 6 Request from Carl Martin representing NCDOI to amend the 2024 NC Energy Conservation Code, Section C101.2 and R101.2 as follows (230314 Item-11):**

**C101.2 Scope.** This code applies to *commercial buildings* and the buildings' sites and associated systems and equipment.

**Exception:** Farm structures exempt by N.C.G.S. 143-138(b4).

**R101.2 Scope.** This code applies to *residential buildings, building* sites and associated systems and equipment.

**Exception:** Farm structures exempt by N.C.G.S. 143-138(b4).

**Item C – 7 Request from Carl Martin to amend the 2024 NC Existing Building Code, Section 803.2.1.2 as follows (230314 Item B-12):**

**803.2.1.2 Low-rise buildings.** Work areas that increase the fire area or calculated occupant load above the limits listed in Section 903.2 of the *International Building Code* shall meet the requirements of those sections.

**Exception:** Where an automatic sprinklers system is not existing in a *building* or otherwise required by Section 803, *North Carolina Building Code* Section 903.2.8 shall not be applied for Group R-3.

Carl Martin, NCDOI staff, addressed the Council as the proponent of this item to clarify the Group R-3 sprinkler exemption.

**Item C – 8 Request from Carl Martin representing NC Board of Architecture and Registered Interior Designers to amend the 2024 NC Administrative Code, Section Appendix B as follows (230314 Item B-13):**

APPENDIX B

**2024 BUILDING CODE SUMMARY  
FOR ALL COMMERCIAL PROJECTS**

(EXCEPT ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES)  
(Reproduce the following data on the building plans sheet 1 or 2)

CONTACT: \_\_\_\_\_

DESIGNER	FIRM	NAME	LICENSE #	TELEPHONE #	E-MAIL
Architectural	_____	_____	_____	( ) _____	_____
Registered Interior Designer	_____	_____	_____	( ) _____	_____
Electrical	_____	_____	_____	( ) _____	_____
Fire Alarm	_____	_____	_____	( ) _____	_____
Plumbing	_____	_____	_____	( ) _____	_____
Mechanical	_____	_____	_____	( ) _____	_____
Sprinkler- Standpipe	_____	_____	_____	( ) _____	_____
Structural	_____	_____	_____	( ) _____	_____
Retaining Walls > 5 feet High	_____	_____	_____	( ) _____	_____
Other	_____	_____	_____	( ) _____	_____

("Other" should include firms and individuals such as truss, precast, pre-engineered, nonregistered interior designers, etc.)

(Appendix B beyond this portion remains unchanged by this amendment.)

Carl Martin, NCDOI staff, addressed the Council as the proponent of this item.

Cheryl Dean, NC Registered Landscape Architects, addressed the Council regarding this item and requested the Council consider adding NC Landscape Architects to the list.

**Item C – 9 Request from Carl Martin representing NC Building Code Council to amend the 2024 NC Administrative Code, Sections 106.3.1 and 106.3.2 as follows (230314 Item B-14):**

**106.3.1 Information required.** A permit application shall be filed with the Inspection Department on a form (see Appendix A) furnished for that purpose. The Inspection Department shall make available a list of information that must be submitted with the building permit application, including a complete ~~building code summary~~ Building Code Summary (see ~~Appendix A of the Administrative Code and Policies~~ Appendix B) complying with 106.3.2.

**Exception:** A Building Code Summary is not required if the AHJ (Authority Having Jurisdiction) determines plan review can be performed without the Building Code Summary.

**106.3.2 Building Code Summary.** ~~The Inspection Department's building code summary~~ Building Code Summary used by an AHJ shall be in the exact format as, and contain only the information in, Appendix B of the Administrative Code and Policies. ~~The Inspection Department~~ An AHJ shall only modify ~~its building code summary~~ the Building Code Summary as set forth in section 103.6 Modifications, or as necessary to reflect any changes by the Office of State Fire Marshal to Appendix B that have been approved by the Building Code Council.

Carl Martin, NCDOI staff, addressed the Council as the proponent of this item.

**Item C – 10 Request from Marielena Salazar & Kyle Baker representing Shell Retail & Convenience Operations (dba Shell TapUp) to amend the 2024 NC Fire Code, Section 5706.5.4.5 as follows** (230314 Item B-15):

**5706.5.4.5 Commercial, industrial, governmental or manufacturing establishments.** Dispensing of Class I, II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed where approved ~~permitted~~ provided that such dispensing operations are conducted in accordance with the following:

No comments.

#### **Part D – Final Adoption**

The following Petitions for Rulemaking have been granted by the Council. Notice of Rulemaking proceedings and Public Hearing has been made. The Public Hearings were held on March 14, 2023. The Final Adoption meeting took place on June 13, 2023. The Council will give no further consideration to Petitions that are

disapproved. Petitions that are approved will proceed through the Rulemaking process. The effective date is January 1, 2025, *unless* otherwise noted. [All D items can be viewed and downloaded from:](#)

<https://www.ncosfm.gov/news/events/building-code-council-meeting-december-13-2022>

Items D-3 through D-6 represent the proposed amendments to the 2021 International Codes to establish the 2024 NC Building Codes. The 2021 International Codes for Items D-3 through D-6 can be found by clicking on the applicable code icon at the following link on the ICC website:

<https://codes.iccsafe.org/codes/i-codes/2021-icodes>

**Item D – 1 Request from the BCC NCAC&P Standing Committee to adopt the 2024 edition of the North Carolina Administrative Code and Policies as presented by the committee (221213 Item B-1).**

Mark Matheny with the Administrative Standing Committee stated this item has the recommendation from the committee to move forward for a final vote.

**Residential Super Committee: Motion to approve made by J. Hilton. Second made by M. Matheny.  
Motion passed.**

**Commercial Super Committee: Motion to approve made by C. Berg. Second made by D. Gieser.  
Motion passed.**

**It was noted for the record that Robert Axford was no longer in attendance online.**

**Building Code Council: Motion to approve made by R. Zapple. Second made by N. MacDonald.  
Motion passed.**

**Item D – 2 Request from the BCC NCAC&P Standing Committee to revise the 2024 edition of the North Carolina Administrative Code and Policies, Section 107 (221213 Item B-2).**

**107.1 General.** The inspection department shall perform the following inspections:

1. Footing – 107.1.1;
2. Under slab, as appropriate – 107.1.2;
3. Foundation – 107.1.3;
4. Building framing – 107.1.4;



5. Sheathing – 107.1.5;
- ~~5~~ 6. Rough-in ~~107.1.5~~ 107.1.6;
- ~~6~~ 7. Insulation ~~107.1.6~~ 107.1.7;
- ~~7~~ 8. Fire protection ~~107.1.7~~ 107.1.8; and
- ~~8~~ 9. Final ~~107.1.8~~ 107.1.9.

**107.1.5 Sheathing inspection.** Required for structures constructed under the NC Building Code where the exterior sheathing is part of the lateral force resistance system. Required for dwellings constructed under the NC Residential Code in 130 mph wind zones or higher where the exterior sheathing is part of the wall bracing system. Sheathing inspection shall be made during or after the framing inspection, but before the water-resistant barrier and exterior finish is installed.

*Commentary: This inspection verifies that sheathing and sheathing fasteners are installed as required by the code or the design professional. Sheathing fasteners connect sheathing to the framing to prevent framing from racking during wind or seismic loads. At the discretion of the building inspector, this inspection can be performed concurrently with the framing inspection.*

**107.1.5 107.1.6 Rough-in inspection.** Rough-in inspections shall be made when all building framing and parts of the electrical, plumbing, fire protection, or heating-ventilation or cooling system that will be hidden from view in the finished building have been placed, but before any wall, ceiling finish, or building insulation is installed.

**107.1.6 107.1.7 Insulation inspection.** Insulation inspections shall be made after an approved building framing and rough-in inspection and after the permanent roof covering is installed, with all insulation and vapor retarders in place, but before any wall or ceiling covering is applied.

**107.1.7 107.1.8 Fire protection inspection.** Fire protection inspections shall be made in all buildings where any material is used for fire protection purposes. The permit holder or his agent shall notify the inspection department after all fire protection materials are in place. Fire protection materials shall not be concealed until inspected and approved by the code enforcement official.

**107.1.8 107.1.9 Final inspection.** Final inspections shall be made for each trade after completion of the work authorized under the technical codes.

Mark Matheny with the Administrative Standing Committee stated this item has the recommendation from the committee to move forward for a final vote.

**Residential Super Committee: Motion to approve made by C. Berg. Second made by J. Hilton.  
Motion passed.**

**Commercial Super Committee: Motion to approve made by D. Gieser. Second made by M. Matheny.  
Motion passed.**

**Building Code Council: Motion to approve made by M. Ali. Second made by C. Berg.  
Motion passed.**

**Item D – 3 Request from the BCC Building Code Standing Committee to adopt the 2024 edition of the North Carolina Building Code as presented by the committee (221213 Item B-3).**

David Gieser with the Building Standing Committee stated this item has the recommendation from the committee to move forward for a final vote.

**Commercial Super Committee: Motion to approve made by D. Gieser. Second made by N. MacDonald.  
Motion passed.**

**Building Code Council: Motion to approve made by M. Ali. Second made by R. Zapple.  
Motion passed.**

**Item D – 4 Request from the BCC Fire Prevention Code Standing Committee to adopt the 2024 edition of the North Carolina Fire Prevention Code as presented by the committee (221213 Item B-4).**

Jason Shepherd with the Fire Standing Committee stated this item has the recommendation from the committee to move forward for a final vote.

**Commercial Super Committee: Motion to approve made by M. Matheny. Second made by D. Gieser.  
Motion passed.**

**Building Code Council: Motion to approve made by M. Matheny. Second made by D. Shearin.  
Motion passed.**

**Item D – 5 Request from the BCC Existing Building Code Standing Committee to adopt the 2024 edition of the North Carolina Existing Buildings Code as presented by the committee (221213 Item B-5).**

Mark Matheny with the Existing Building Standing Committee stated this item has the recommendation from the committee to move forward for a final vote.

**Commercial Super Committee: Motion to approve made by M. Matheny.  
Second made by N. MacDonald.  
Motion passed.**

**Building Code Council: Motion to approve made by R. Zapple. Second made by M. Matheny.  
Motion passed.**

**Item D – 6 Request from the BCC Energy Conservation Code Standing Committee to adopt the 2024 edition of the North Carolina Energy Conservation Code as presented by the committee (221213 Item B-6).**

Natalie MacDonald with the Energy Standing Committee asked this item be tabled until the December 12, 2023 Building Code Council meeting to have time to receive public comments with the fiscal note and cost benefit analysis for this item.

Gary Embler asked when the fiscal note and cost benefit analysis is required for this item to move forward and also the accuracy of the PNNL analysis reportedly to be used. Chair Bridget Herring and Kim Wooten noted that the PNNL analysis is in the process of being corrected to reflect NC code requirements and format specifically. Chair Bridget Herring and Nathan Childs, Assistant Attorney General, Insurance Section noted that although the timeline is not reflected specifically in law, it is their interpretation that the fiscal note and cost benefit analysis is required prior to the start of the public comment period. To allow time for public comments, the NCBCC decided to table this item until the December 12, 2023 meeting.

**Commercial Super Committee: Motion to table this item until the December 12, 2023 Building Code Council meeting made by K. Wooten. Second made by N. MacDonald.  
Motion passed.**

**No further action taken by the Building Code Council.**

## **Part E – Reports**

### **❖ Ad-Hoc Committee Reports**

Jason Shepherd updated the Council on the status of the Wildland Urban Interface Committee. NCDOI staff are still organizing staff and resources for this committee, and they will communicate this NCBCCC at the next meeting.

### **❖ Standing Committee Reports**

Mark Matheny with the Fire, Building, and Existing Building Standing Committees commended the staff and committees on the completion of the huge undertaking of updating the NC Codes.

### **❖ Staff Reports**

David Rittlinger, NCDOI Staff, updated the Council on the status of the OSFM move to the new building. Staff has still not moved into the new building on Rock Quarry Road. However, staff is still available remotely as they have been through the whole move process. He also announced the upcoming retirement of Carl Martin, NC DOI staff and Secretary to the NC Building Code Council. He thanked Mr. Martin for his service to the people of North Carolina and his dedication to the staff as a fabulous boss and friend to them and wished him the best of luck in his retirement.

### **❖ Chair Report**

Ms. Herring presented Mr. Martin with a retirement gift as a thank you for embracing his work with a seriousness for the work the Council does but also with a sense of humor which helps them find levity and helps them recognize themselves as human beings while they are doing the Council's work. Mr. Martin thanked the Council for the gift and said it was a pleasure to serve.

Ms. Herring appreciated everyone for coming early for the Standing Committee meetings on Monday. She appreciated the work and discussions that were held which helped facilitate the full Council meeting on Tuesday. She thanked them for their time. She said they always strive to find consensus and compromise, and while they hope that happens outside of the Council with the public and the industry that is impacted, they also have a responsibility as Council members to try and have that conversation as well.

## **Part F – Appeals**

Rowan-Cabarrus Community College appeal is scheduled to be held on July 26, 2023 at 9:00 a.m. at the Albemarle Building (325 N. Salisbury St, Raleigh NC) in room 245.

Adjourned