



North Carolina Building Code Council

Staffed by the NC Department of Insurance

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Building Code Council

Chair:

Bridget Herring - 29
(Public Representative)

Vice Chairman:

Mark Matheny - 27
(Building Inspector)

Members:

Michael Ali, PE - 29
(State Agency)

Robert Axford - 25
(Electrical Contractor)

Chris Berg, PE - 27
(Structural Engineer)

Andrew C. Cole, AIA - 28
(Architect)

Ralph Euchner - 25
(Gas Industry)

David Gieser, RA - 28
(Architect)

Jeff Hilton - 28
(Coastal Contractor)

Robert Howard - 29
(Home Builder)

Taiwo Jaiyeoba - 28
(Municipal Government Rep)

Natalie MacDonald, PE - 27
(Mechanical Engineer)

Gloria Shealey - 27
(General Contractor)

Deborah Shearin - 25
(Plumbing & Heating Contractor)

Jason B. Shepherd - 27
(Fire Services)

Kim Wooten, PE - 25
(Electrical Engineer)

Robert Zapple - 28
(County Gov't Rep)

Pending BCC Approval

Minutes of the North Carolina Building Code Council December 12, 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, March 19, 2024** 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.

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 new member Tai Jaiyeoba. Robert Axford arrived late during the discussion on Item A-9. The following members attended virtually: Ralph Euchner, Gloria Shealey, Kim Wooten, and Robert Zapple.

Consistent with Rules 4:56 and 44:12 of Robert's Rules of Order (12th 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

During the Welcome and announcements, Council Chair, Ms. Herring, announced amendments to the agenda as follows; (1) B-9 and B-10 were withdrawn by OSFM staff to consolidate these items better for future amendment proposals at the next meeting; (2) D-5 was withdrawn as the NCBCC no longer has statutory authority per North Carolina General Assembly Session Law 2023-108 to amend the impacted portions of the NC Residential Code; (3) D-6 was withdrawn by the proponent.

D. Geiser made a motion to approve the amended agenda. Second made by M. Ali. Motion unanimously approved.

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

Jason Shepherd recused himself from items D-7, D-9, and D-10.

There were no other actual or potential conflicts of interest noted.

Item A – 2 Approval of minutes of the September 12, 2023 NC Building Code Council meeting.

A. Cole made a motion to approve the pending minutes as written. Second made by D. Gieser. Motion unanimously approved.

Item A – 3 Approval of 2024 Building Code Council meeting dates.

- 1. 1/24/24 Appeal**
- 2. 3/18/24 and 3/19/24 Quarterly NCBCC**
- 3. 6/10/24 and 6/11/24 Quarterly NCBCC**
- 4. 9/9/24 and 9/10/24 Quarterly NCBCC**
- 5. 12/9/24 and 12/10/24 Quarterly NCBCC**

R. Zapple made a motion to approve the proposed 2024 meeting dates. Second made by M. Ali. Motion unanimously approved.

Item A – 4 NCBCC memo with general recommendations to OSFM staff concerning the NC General Assembly Session Law 2023-108 OSFM staff report due to the chair of the House Local Government – Land Use, Planning and Development Committee, the chair of the Senate State and Local Government Committee, and the Joint Legislative

Commission on Governmental Operations, as required by Section 1A of the law.

**M. Matheny made a motion to approve. Second made by N. MacDonald.
Motion approved with J. Shepherd abstained from voting.**

Item A – 5 Request from the Town of Morrisville to adopt amendments to Chapter 22 - Fire Prevention and Protection as part of the Morrisville Town Code of Ordinances.

Charlie Johnson, OSFM staff, addressed the Council regarding this item giving recommendation from staff to approve this request from the Town of Morrisville.

The Fire Standing committee reviewed this item during the Committee meetings on Monday, December 11, 2023 and did not have any objections and recommends approval.

**J. Shepherd made a motion to approve. Second made by M. Matheny.
Motion unanimously approved. This vote had to be retaken later in the meeting due to a procedural issue in the original vote.**

Item A – 6 Request from Randolph County for approval of all appendices in the NC Fire Code.

Charlie Johnson, OSFM staff, addressed the Council regarding this item giving recommendation from staff to approve this request from Randolph County.

The Fire Standing committee reviewed this item during the Committee meetings on Monday, December 11, 2023 and recommended approval.

**A. Cole made a motion to approve this item. Second made by R. Howard.
Motion unanimously approved.**

Item A – 7 Request from Brunswick County for approval of the Brunswick County Fire Prevention Ordinance, which includes administration, inspections schedule for existing buildings, permits, plan review and fees, civil penalties, collection of fees, programs and fire prevention specifications.

Charlie Johnson, OSFM staff, addressed the Council regarding this item giving recommendation from staff to approve this request from Brunswick County.

The Fire Standing committee reviewed this item during the Committee meetings on Monday, December 11, 2023 and recommended approval.

D. Gieser made a motion to approve this item. Second made by J. Hilton. Motion unanimously approved.

Item A – 8 Rules Review Commission Meeting Report

David Rittlinger, OSFM staff, noted that OSFM staff is proceeding to provide the documents requested by the RRC attorney for the 2024 NC Building Codes adopted by the NCBCC to date.

Item A – 9 Public Comments

General contractor Sergey Kesel addressed the Council about the training and licensing in North Carolina for general contractors. He criticized NC Representative Mark Brody concerning legislation and is an opponent of allowing anyone without a contractor's license to work on a building even if the work remains under \$40,000 because of lack of training and experience. Mr. Kesel discussed several examples of poor quality and training by unlicensed and licensed contractors in North Carolina and cited better training and licensing practices in other states and countries.

Polina Voronsky, a resident in Raleigh, received a permit to extend her home. When the contractor began work, they had to repair structural joist and plywood issues in the house that was originally built in 1978 because they were not to code to start with. This work was required to be performed before the beginning of new construction, costing additional money. Ms. Voronsky cited online complaints in various social media from homeowners and noted the homeowner needs better protection from contractors taking advantage of them because the homeowner doesn't have the required knowledge to know what meets the building codes. Ms. Voronsky noted further it is a shame how contractors in North Carolina take advantage of homeowners and the current laws do not work.

*Council Chair noted for the record that Robert Axford has joined the meeting. Also, Staff member David Rittlinger noted for the record that Kim Wooten stepped away from the meeting until 10:30am.

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 December 12, 2023 meeting. All B items can be viewed and downloaded from:

<https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023>

There will be no B items received from the floor.

Item B – 1 Request from NC BCC NCAC&P Standing Committee to amend the 2024 NC Administrative Code and Policies, Section 107 as follows:

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;
78. 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 140 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.

107.1.5107.1.6 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.

Commentary: Plumbing, mechanical, and electrical components installed underground should be considered as rough-in inspections and may be inspected at any point during construction prior to covering.

107.1.6107.1.7 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.

Commentary: Insulation baffles that cannot be seen at this inspection, such as vaulted ceilings with concealed rafter cavities, should have baffles installed at framing inspection for verification.

It is acceptable that wall cavity insulation enclosed by an air barrier material behind tubs, showers, and fireplace units installed on exterior walls may not be observable by the code official.

107.1.7107.1.8 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.

Commentary: Fire protection inspection is typically performed in commercial building structures and is required in addition to any special inspection as listed in Chapter 17 of the North Carolina Building Code.

107.1.8107.1.9 Final inspection. Final inspections shall be made for each trade after completion of the work authorized under the technical codes.

Commentary: Each trade shall complete a final inspection giving approval to permitted work. Work required by the technical codes shall be complete before being requested. Temporary power and temporary certificate of occupancy (TCO) requests are allowed prior to final inspection.

The Administration Standing Committee approved this item.

Residential Super Committee: Motion to accept made by C. Berg. Second made by J. Hilton.

Motion unanimously granted to continue rule making proceedings.

Commercial Super Committee: Motion to accept made by D. Gieser. Second made by M. Matheny.

Motion unanimously granted to continue rule making proceedings.

Building Code Council: Motion to accept made by J. Hilton. Second made by M. Matheny.

Motion unanimously granted to continue rule making proceedings.

Item B – 2 Request from David B. Rittlinger representing staff to amend the 2024 NC Administrative Code and Policies, Section 106.3.1 as follows:

106.3 Permit application.

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 (see Appendix A of the Administrative Code and Policies).~~ A local government shall not require a permit applicant to complete an Appendix B with a set of plans submitted for review. A local government shall only request specific building code summary information from a permit applicant it deems relevant in performing a complete plan review. ~~The~~An Inspection Department's full and partial building code summary forms shall be in the exact format as, and contain only the information in, Appendix B of the Administrative Code and Policies, as relevant to the specific form created. ~~The~~An Inspection Department shall only modify its full and partial building code summary forms as set forth in ~~section~~Section 103.5103.6 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.

David Rittlinger, representing OSFM staff, addressed the Council as the proponent of this item to note these changes are to provide permanent rules to coordinate with North Carolina General Assembly Session Law 2023-108.

The Administration Standing Committee approved this item.

Residential Super Committee: Motion to accept made by D. Shearin. Second made by R. Axford.

Motion unanimously granted to continue rule making proceedings.

Commercial Super Committee: Motion to accept made by C. Berg. Second made by M. Matheny.

Motion unanimously granted to continue rule making proceedings.

Building Code Council: Motion to accept made by M. Ali. Second made by R. Howard.

Motion unanimously granted to continue rule making proceedings.

Item B – 3 Request from Kate Whalen representing staff to amend the 2024 NC Building Code, Sections 202, 307, and 414 as follows:

Due to size, this petition can be conveniently viewed at the link below:

<https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023>

David Rittlinger, representing OSFM staff, addressed the Council regarding this item noting that B-3, B-4, and B-5 are all related to reflect ICC changes to update codes concerning the design and construction of building and systems using A2L refrigerants.

The Building Standing Committee approved this item.

**Commercial Super Committee: Motion to accept made by N. MacDonald.
Second made by D. Gieser.
Motion unanimously granted to continue rule making proceedings.**

**Building Code Council: Motion to accept made by D. Gieser. Second made by C. Berg.
Motion unanimously granted to continue rule making proceedings.**

Item B – 4 Request from Kate Whalen representing staff to amend the 2024 NC Fire Code, Sections 202, 203, 608, 911, 3307, 5003 and Reference Standards as follows:

Due to size, this petition can be conveniently viewed at the link below:

<https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023>

The Building Standing Committee approved this item.

**Commercial Super Committee: Motion to accept made by N. MacDonald.
Second made by D. Gieser.
Motion unanimously granted to continue rule making proceedings.**

**Building Code Council: Motion to accept made by N. MacDonald. Second made by J. Hilton.
Motion unanimously granted to continue rule making proceedings.**

Item B – 5 Request from Kate Whalen representing staff to amend the 2024 NC Mechanical Code, Sections 1101, 1103, 1104, 1106, 1107, 1109, 1110 as follows:

Due to size, this petition can be conveniently viewed at the link below:
<https://www.ncosfm.gov/news/events/building-code-council-meeting-december-12-2023>

The Mechanical-Plumbing-Fuel Gas Standing Committee approved this item.

**Commercial Super Committee: Motion to accept made by N. MacDonald.
Second made by D. Gieser.
Motion unanimously granted to continue rule making proceedings.**

**Building Code Council: Motion to accept made by J. Hilton. Second made by N. MacDonald.
Motion unanimously granted to continue rule making proceedings.**

Item B – 6 Request from Cliff Isaac representing the NC Home Builders Association to amend the 2018 & 2024 NC Building Code, Section 1109.2 by adding #8 as follows:

8. This section is not applicable to dwellings built under the NC Residential Code that serve as model homes if one temporary ADA accessible portable toilet is provided during the time in which the garage serves as a sales office. A sign shall be provided to direct staff and the public to the ADA portable toilet. Water shall be permitted to be supplied to the entire dwelling while operating as a model home, and when fully converted to a residential dwelling when meeting the NC Residential Code for 1- and 2 family dwellings.

Cliff Isaac, representing NCHBA, addressed the Council as the proponent of this item. He concurred that this amendment should only apply only to the 2024 version of the NC Building Code and not the 2018 NC Building Code.

Jason Shepherd, NCBCC, asked if these garages are heated and cooled as occupied space. Mr. Isaac responded that he was not aware if these spaces were conditioned or not. Mr. Shepherd was confused by the proposal. Mr. Isaac clarified that this proposal applies only if the garage is being used commercially as a sales office. Chris Berg, NCBCC, offered an example of this practice in subdivisions. The Building Standing Committee recommended to update the 2024 version of the NC Building Code and not the 2018 version. The Building Standing Committee approved this item to go forward to the Council with this recommendation however,

D. Gieser and M. Matheny noted that the committee does not agree with the current verbiage and would like his petition to go forward to public comments for further revisions.

**Commercial Super Committee: Motion to accept as amended made by D. Gieser. Second made by M. Matheny.
Motion unanimously granted to continue rule making proceedings.**

**Building Code Council: Motion to accept as amended made by M. Matheny.
Second made by M. Ali.
Motion unanimously granted to continue rule making proceedings.**

Item B – 7 Request from AIA North Carolina to amend the 2024 NC Energy Conservation Code, Section C502.2 as follows:

C502.2 Change in space conditioning. Any nonconditioned or low-energy space that is altered to become *conditioned space* shall be required to comply with Section C502.

Exceptions:

1. Where the component performance alternative in Section C402.1.5 is used to comply with this section, the proposed UA shall be not greater than ~~110~~120 percent of the target UA.
2. Where the total building performance option in Section C407 is used to comply with this section, the annual energy cost of the proposed design shall be not greater than ~~110~~120 percent of the annual energy cost otherwise permitted by Section C407.2.

Renee Hutchinson representing AIANC addressed the Council as the proponent of this item. Ms. Hutchinson noted that this item relates to B-8. The increase in margin of error by 10% will provide more flexibility for existing projects to continue forward without costly regulatory burdens.

The Energy Standing Committee approved this item.

**Commercial Super Committee: Motion to accept made by C. Berg. Second made by M. Matheny.
Motion unanimously granted to continue rule making proceedings.**

**Building Code Council: Motion to accept made by A. Cole. Second made by J. Hilton.
Motion unanimously granted to continue rule making proceedings.**

Item B – 8 Request from AIA North Carolina to amend the 2024 NC Energy Conservation Code, Section 505.1 as follows:

C505.1 General. Spaces undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with this code. Where the use in a space changes from one use in Table C405.3.2 (1) or C405.3.2(2) to another use in Table C405.3.2 (1) or C405.3.2(2), the install lighting wattage shall comply with Section C405.3. With the space undergoing a change in occupancy or use is in a building with a fenestration area that exceeds the limitations of Section C402.4.1, the space is exempt from Section C402.4.1 provided that there is not an increase in fenestration area.

Exceptions:

1. Where the component performance alternative in Section C402.1.5 is used to comply with this section, the proposed UA shall not be greater than ~~110~~120 percent of the target UA.
2. Where the total building performance option in Section C407 is used to comply with this section, the annual energy cost of the proposed design shall not be greater than ~~110~~120 percent of the annual energy cost otherwise permitted by Section C407.2.

Renee Hutchinson representing AIANC addressed the Council as the proponent of this item. Ms. Hutchinson noted that this item relates to B-7. The increase in margin of error by 10% will provide more flexibility for existing projects to continue forward without costly regulatory burdens. M. Ali, NCBCC, brought up concerns with lighting energy requirements. Ms. Hutchinson clarified that this only applied to the building thermal envelope.

The Energy Standing Committee approved this item with OSFM staff working with the proponent to make sure the petition language works with the intent of the code.

Commercial Super Committee: Motion to accept made by D. Gieser. Second made by M. Matheny.

Motion approved granted to continue rule making proceedings.

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

Motion granted to continue rule making proceedings.

Item B – 9 Request from Dan Dittman representing staff to amend the 2024 NC Energy Conservation Code, Section C101.2 as follows:

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

Exception:

1. Per N.C.G.S. 143-138 (b18), no energy conservation code provisions shall apply to any structure for which the primary occupancy classification is Group F, S, or U pursuant to Chapter 3 of the 2024 North Carolina Building Code. This exclusion shall apply to the entire building area.

Item withdrawn by OSFM staff to consolidate this item for a future amendment proposal addressing statutory references in the code.

Item B – 10 Request from Dan Dittman representing staff to amend the 2024 NC Energy Conservation Code, Section R101.2 as follows:

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

Exception:

1. In accordance with N.C.G.S. 143-138 (b19), no energy conservation code provisions will apply to detached and attached garages located on the same lot as a *dwelling*.

Item withdrawn by OSFM staff to consolidate this item for a future amendment proposal addressing statutory references in the code.

Item B – 11 Request from Colin Triming representing the NC Fire Code Revision Committee to amend the 2024 NC Fire Code, Chapter 80, NFPA 241 edition as follows:

241-1922

Standard for Safeguarding Construction, Alteration and Demolition Operations

3301.1, 3303.2

Colin Triming addressed the Council as the proponent of this item noting life safety egress improvements in the updated standard will make buildings safer for workers while buildings are under construction.

The Fire Standing Committee approved this item.

Charlie Johnson representing staff addressed the Council in support of this item and noted the NC Department of Labor, NC Apartment Association, and the American Wood Council, amongst others are in support of this item.

Commercial Super Committee: Motion to accept made by J. Shepherd. Second made by M. Matheny.

Motion approved granted to continue rule making proceedings.

Building Code Council: Motion to accept made by A. Cole. Second made by C. Berg.

Motion granted to continue rule making proceedings.

Item B – 12 Request from David B. Rittlinger representing staff to repeal the 2017 NC Electrical Code and 2020 NC Electrical Code effective 1/1/2025 so the 2023 NC Electrical Code can be adopted effective 1/1/2025.

For the NCBCC to adopt the proposed North Carolina amendments to the 2023 National Electrical Code to create the 2023 North Carolina Electrical Code on 12/12/23 and meet the requirements of NCGS Chapter 150B Administrative Procedures Act, the 2017 and 2020 NC Electrical Codes are required to be repealed. The effective date is 1/1/2025. A fiscal note and cost benefit analysis is provided with the proposed adoption of 2023 North Carolina Electrical Code.

The proposed 2023 NC Electrical Code, fiscal note and cost benefit analysis can be found at the following link:

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

David Rittlinger representing OSFM staff addressed the Council as the proponent of this item noting this repeal is required for the NCBCC to adopt the 2023 NC Electrical Code.

The Electrical Standing Committee approved this item.

Residential Super Committee: Motion to accept made by J. Hilton. Second made by R. Axford.

Motion granted to continue rule making proceedings.

Commercial Super Committee: Motion to accept made by D. Gieser. Second made by M. Matheny.

Motion granted to continue rule making proceedings.

Building Code Council: Motion to accept made by R. Howard. Second made by N. MacDonald.

Motion granted to continue rule making proceedings.

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 will be held on December 12, 2023, and the Final Adoption meeting may take place on or after March 19, 2024. The written public comment period expires on January 16, 2023. All C items can be viewed and downloaded from:

<https://www.ncosfm.gov/news/events/building-code-council-meeting-september-12-2023>

On-site Sign-up Sheet: 3 minutes for public comments, 2 minutes for rebuttals.

Item C – 1 Request from Cheryl K. Dean and Timothy W. Maloney representing the NC Registered Landscape Architects to amend the 2024 NC Administrative Code and Policies, Sections 204.4.5 and 204.4.5.1 as follows (230912 Item B-1):

204.4.5 Design professional seal required. Where the General Statutes, North Carolina Board of Architecture and Registered Interior Designers, the North Carolina Board of Landscape Architects, or the North Carolina Board of Examiners for Engineers and Land Surveyors 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. Questions concerning this section should be directed to the North Carolina Board of Architecture and Registered Interior Designers, the North Carolina Board of Landscape Architects, the North Carolina Board of Examiners for Engineers and Land Surveyors, or the National Institute for Certified Engineering Technologies (NICET) Board of Governors.

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

No comments.

Item C - 2 Request from Kerry Sutton, P.E. representing the American Concrete Institute, Edward Deaver representing the ACI Carolinas Chapter, Caroline Sutton representing Carolinas Ready Mixed Concrete Association, Shamim Rashid-Sumar, P.E., F.S.F.P.E. representing National Ready Mixed Concrete Association, Griff Shapack, P.E. representing Simpson Strong-Tie, Jay Pease, P.E. representing Owens Corning/Infrastructure Solutions, Jerzy Zemajtis, P.E. representing NEX: An ACI Center of Excellence for Nonmetallic Building Materials, and Jay Thomas representing Structural Technologies to amend the 2024 NC Building Code, Section 1901 as follows (230912 Item B-3):

1901.2 Plain and reinforced concrete. Structural concrete shall be designed and constructed in accordance with the requirements of this chapter and ACI 318 as amended in Section 1905 of this code. Except for the provisions of Section 1904 and 1907, the design and construction of slabs on grade shall not be governed in this chapter unless they transmit vertical *loads* or lateral forces from other parts of the structure to the soil.

1901.2.1 Structural concrete with GFRP reinforcement. Cast-in-place structural concrete internally reinforced with glass fiber reinforced polymer (GFRP) reinforcement conforming to ASTM D7957 and designed in accordance with ACI CODE 440.11 shall be permitted where fire resistance ratings are not required and only for structures assigned to Seismic Categories A, B or C.

Exception: Concrete internally reinforced with GFRP bars shall not be permitted for concrete elements that are part of the seismic lateral force resisting system in structures assigned to Seismic Design Categories B or C.

Add new reference standard(s) to Chapter 35 as follows:

ACI

440.11-22 Building Code Requirements for Structural Concrete Reinforced with Glass Fiber-Reinforced Polymer (GFRP) Bars-Code and Commentary.....1901.2.1

ASTM

D7957-17 Standard Specification for Solid Round Glass Fiber Reinforced Polymer Bars for Concrete Reinforcement.....1901.2.1

Kerry Sutton with the NC Chapter of the American Concrete Institute addressed the Council as the proponent of this item.

Item C – 3 Request from Julius Ballanco, P.E. representing JB Engineering and Code Consulting, P.C. to amend the 2024 NC Mechanical Code, Chapter 15 as follows (230912 Item B-4):

ASHRAE	ASHRAE 1791 Tullie Circle, NE Atlanta, GA 30329	
15— 2019 2022	Safety Standard for Refrigeration Systems	1101.1, 1106.4.2
34— 2019 2022	Designation and Safety Classification of Refrigerants	1102.2.1, 1103..1, Table 1103.1
UL	UL LLC 333 Pfingsten Road Northbrook, IL 60062-2096	
UL/CSA 60335-2-40- 2019 2022	Household And Similar Electrical Appliances - Safety — Part 2-40: Particular Requirements for Electrical Heat Pumps , Air-Conditioners and Dehumidifiers	908.1, 916.1, 918.1, 918.2, Table 1101.2
UL/CSA 60335-2-89- 17 2021	Household And Similar Electrical Appliances - Safety — Part 2-89: Particular Requirements for Commercial Refrigerating Appliances with an Incorporated or Remote Refrigerant Units or Compressor	Table 1101.2

No comments.

Item C – 4 Request from David Rittlinger representing NCDOI to amend the 2024 NC Administrative Code and Policies by adding Appendix H: “Affidavit of on-site wastewater existing system pursuant to N.C.G.S. 160D-1110(h1)” to comply with SL 2023-90 (H628) that was signed into law on 7/10/23 and becomes effective 10-1-23 (230912 Item B-8).

APPENDIX H
AFFIDAVIT OF ON-SITE WASTEWATER EXISTING SYSTEM
PURSUANT TO N.C.G.S. §160D-1110(h1)

[This form is only required with a permit application if the permit applicant is applying for exemption as allowed by N.C.G.S. § 160D-1110(h1)]

STATE OF NORTH CAROLINA

COUNTY OF _____

_____ Inspection Department

Address and Parcel Identification of Real Property Where Building is to be Constructed or Altered:

I, _____,

(Print Full Name)

owner of the property, do hereby under penalties of perjury affirm that the proposed building construction will meet local and State on-site wastewater system setback requirements pursuant to N.C.G.S. § 130A-335. Additionally, the proposed construction shall not increase the design daily flow or wastewater strength of the existing system and thereby absolves the State, Inspection Department, and Local Health Department of any responsibility or liability regarding the existing wastewater system.

The property owner may, at his or her discretion, consult with an authorized on-site wastewater evaluator certified by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board or an inspector, as defined in N.C.G.S. § 90A-71(5), to locate the on-site wastewater existing system and verify setbacks requirements prior to executing this affidavit.

(Signature of Affiant)

Date

Sworn to (or affirmed) and Subscribed before me this the _____ day of _____, 20____

Signature of Notary Public

Printed Name of Notary Public

My Commission Expires: _____ (Notary Stamp or Seal)

Doug Lassiter, lobbyist NC Septic Tank Association, addressed the Council regarding this item requesting the phrase “and thereby absolves the State, Inspection Department, and Local Health Department of any responsibility or liability regarding the existing wastewater system.” be removed from the code change petition.

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 September 12, 2023 for all petitions except for Item D-4. A special Public Hearing for Item D-4 was held on October 17, 2023. The Final Adoption meeting will take place on December 12, 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.

Item D – 1 Request from the BCC Mechanical Standing Committee to adopt the 2024 edition of the North Carolina Mechanical Code as presented by the committee (230613 Item B-1).

The proposed amendments to the 2021 International Mechanical Code to establish the 2024 NC Mechanical Code can be found at the following link on the NCDOT website. Select the link to “B-1 2024 NCMC”: <https://www.ncosfm.gov/b-1-2024-ncmc>

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

<https://codes.iccsafe.org/content/IMC2021P3>

The Mechanical, Plumbing, Fuel-Gas Standing Committee recommends approval of this item.

Commercial Super Committee: Motion to approve made by M. Matheny. Second made by N. MacDonald. Motion unanimously adopted.

Building Code Council: Motion to approve made by N. MacDonald. Second made by M. Matheny. Motion unanimously adopted.

Item D – 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 (230613 Item B-2).

The proposed amendments to the 2021 International Fuel Gas Code to establish the 2024 NC Mechanical Code can be found at the following link on the NCDOT website. Select the link to “B-2 2024 NCFGC”: <https://www.ncosfm.gov/b-2-2024-ncfgc>

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

<https://codes.iccsafe.org/content/IFGC2021P2>

The Mechanical, Plumbing, Fuel-Gas Standing Committee recommends approval of this item.

Commercial Super Committee: Motion to approve made by M. Matheny. Second made by D. Gieser. Motion unanimously adopted.

Building Code Council: Motion to approve made by R. Euchner. Second made by N. MacDonald. Motion unanimously adopted.

Item D – 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 (230613 Item B-3 and B-3 Fiscal Note).

Proposed North Carolina Amendments to the 2023 NEC can be found at the following link on the NCDOI website. Select the link to “B-3 2023 NEC”:

<https://www.ncosfm.gov/b-3-2023-nec-0>

The Fiscal Note for the proposed 2023 North Carolina Electrical Code can be found at the following link on the NCDOI website. Select the link to “B-3 2023 NEC Fiscal Note”:

<https://www.ncosfm.gov/b-3-2023-nec-fiscal-note>

The Electrical Standing Committee recommends approval of this item.

Residential Super Committee: Motion to approve made by J. Hilton. Second made by M. Matheny. Motion unanimously adopted.

Commercial Super Committee: Motion to approve made by D. Gieser. Second made by M. Matheny. Motion unanimously adopted.

Building Code Council: Motion to approve made by R. Howard. Second made by C. Berg. Motion unanimously adopted.

Item D – 4 Request from the NC Building Code Council Energy Standing Committee to adopt the 2024 edition of the North Carolina Energy Conservation Code as presented by the committee as follows (221213 Item B-6):

The proposed amendments to the 2021 International Energy Conservation Code to establish the 2024 NC Energy Conservation Code can be found at the following link on the NCDOI website. Select the link to “B-6 2024 NCECC”:

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

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

<https://codes.iccsafe.org/content/IECC2021P2>

The fiscal note can be found at the following link on the NCDOI website. Select the link to “B-6 2024 NCECC Fiscal Note”:

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

The cost benefit analysis can be found at the following link on the NCDOI website. Select the link to “B-6 2024 NCECC Cost Benefit Analysis”:

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

The Energy Standing committee recommends approval of this item.

**Residential Super Committee: Motion to approve made by J. Hilton. Second made by R. Axford.
Motion unanimously adopted.**

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

**Building Code Council: Motion to approve made by N. MacDonald. Second made by R. Howard.
Motion unanimously adopted.**

Item D – 5 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 (230613 Item B-7 as modified by the NCBCC on 6/13/23. See Meeting Minutes):
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.

The Mechanical, Plumbing, Fuel-Gas Standing Committee recommends going forward for approval specifically for the 2024 Mechanical Code, Section 312.1.

The Building Code Council did not vote on partial code changes for this item due to the significant changes that are tied to the Residential Code.

This item was removed from the agenda as the Building Code Council no longer has the statutory authority per North Carolina General Assembly Session Law 2023-108 to amend the impacted portion of the NC Residential Code.

Item D – 6 Request from John Clark representing the Woodford Manufacturing Company to amend the 2024 NC Residential Code, Section P2903.10 as follows (230613 Item B-8):

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.

This item was removed from the agenda as the petitioner has withdrawn this item.

Item D – 7 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 (230613 Item B-10 as modified by the NCBCC on 6/13/23. See Meeting Minutes):
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 431.

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

Jason Shepherd recused himself from voting on this item.

The Building Standing Committee recommends approval of this item.

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

Motion unanimously adopted.

Building Code Council: Motion to approved made by A. Cole. Second made by J. Hilton.

Motion unanimously adopted.

Item D - 8 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 (230613 Item B-11):

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 Standing Committee and the Fire Prevention Standing Committee recommend approval of this item.

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

Building Code Council: Motion to approved made by M. Ali. Second made by A. Cole.

Motion unanimously adopted.

Item D – 9 Request from Jason Shepherd representing the Durham County Fire Marshal to amend the 2024 NC Fire Code, Section 105.5.32 as follows (230613 Item B-12):

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 recused himself from voting on this item.

The Fire Prevention Committee recommends approval of this item.

Commercial Super Committee: Motion to approve made by M. Matheny. Second made by D. Gieser. Motion unanimously adopted.

Building Code Council: Motion to approve made by A. Cole. Second made by K. Wooten. Motion unanimously adopted.

Item D – 10 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 (230613 Item B-13):

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 recused himself from voting on this item.

The Fire Prevention Committee recommends approval of this item.

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

**Building Code Council: Motion to approve made by A. Cole. Second made by R. Axford.
Motion unanimously adopted.**

Part E – Reports

❖ Ad-Hoc Committee Reports

The Primitive Structure Committee is still in the organizational process and several NCBCC members volunteered. Their first meeting is scheduled for January 4, 2024.

❖ Standing Committee Reports

BCC Chair Herring thanked everyone for being in attendance. She informed the Council members that the Committee meetings should return to the 1:00pm starting times in 2024 due to less material having to be discussed at the meetings. However, if that changes the time may return to the 9:00am start time as needed.

❖ Staff Reports

David Rittlinger, OSFM staff, reported that the Office of State Fire Marshal has moved into their new home at 1429 Rock Quarry Road, Suite 105, Raleigh.

He reminded the Council of the special meeting that is scheduled for 9:00 am December 19, 2023 at the Rock Quarry Road address. The items for the special meeting will be posted on the website. The meeting will be held in the large conference room. The purpose of the special meeting is to provide additional information requested by the Rules Review Commission for their approval of the 2024 NC Codes. It will only be “B” items at that meeting.

David thanked OSFM staff for working the extra hours on weekends and during the holidays as necessary to complete the review of the codes and development of the supplemental aids requested by RRC. He wished the Council and the public a Happy and Safe Holiday.

❖ **Chairman's Report**

Chair Herring explained the locations for future meetings has not been determined yet. So, Council members need pay attention to announcements concerning that information.

Victoria Watlington has resigned her position, and a new Council member has been appointed by the Governor who is the City Manager of Greensboro. So, she will be looking back at the Standing Committees schedule. She will contact everyone to see if the members wish to stay on their current committee or if they wish to change.

She thanked everyone for their time, attention, and expertise during the extra meetings.

Part F – Appeals

Rowan-Cabarrus Community College appeal is scheduled to be held on January 24, 2024 at 9:00 a.m. at the new headquarters of the North Carolina Department of Insurance at 3200 Beechleaf Court, Raleigh NC or at the NC Department of Justice. More information to be determined in the next couple of days.