



MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

March 13, 2020

Dan Kugler
All Starz Morrisville
6410 McCrimmon Pkwy
Morrisville, NC 28480

**RE: All Starz Code Interpretation – Classroom Thermostat Accessibility
7429 Roberts Road, Cary, NC 27519**

Mr. Kugler:

This letter is in response to your request for formal interpretation that I received by email on February 19, 2020. Restated in my own words you are asking:

Can thermostats regulating classroom air temperature be located higher than 48 inches above finished floor based on 2018 NC Building Code, Section 1109.13, Exception #1 if the thermostats are located in an office area remote to the classrooms such that only the building owner has access to the thermostats?

Remarks:

The intent of Section 1109.13, Exception #1 is to accommodate locations where only service/maintenance personnel have access to the mechanism.

“Accessible” in Section 1109.13 means, in part, compliance with the reach range requirements of ANSI A117.1, Section 308.

Conclusion:

The user of the thermostats as described in your request for formal interpretation (attachment A) is the building owner. As such the owner is acting as the service/maintenance personnel; however, there is no indication that the thermostat is secured from use by other occupants of the building. If the thermostats are secured where only the building owner has access then the intent of 1109.13, Exception #1 is met. Secure would require something like a locked cover or something similar that restricts the setting of the thermostat to the building owner or other service/maintenance personnel.

As a matter of reference, a copy of your letter of request is included with this letter.
Please call if you have comments or questions.

Sincerely,



Carl Martin, RA
Chief Code Consultant

cc: File
Rudy Baker, Building Inspections & Permitting – Apex, NC
Robbie Davis, Chairman – BCC
Danny Priest, Chairman Commercial Code Standing Committee – BCC
Cliff Isaac – NC DOI

ATTACHEMNT A



7429 Roberts Rd
Cary, NC 27519
919-237-2445 phone

February 19, 2020

To: N.C. Department of Insurance
Office of State Fire Marshall
Attn: Carl Martin

Re: All Starz Apex Code Interpretation – Classroom Thermostat Accessibility
7429 Roberts Rd
Cary, NC 27519

We are constructing a new preschool, All Starz Children's Academy in Apex at 7429 Roberts Rd. The Town of Apex Building Inspections Team has asked us to request a letter from the Department of Insurance in order to allow some of our thermostats to be located more than 48" above the finished floor. All of our classroom thermostats are located in a centralized office so the children do not have access to them and so they can be controlled by ownership without interference from the public. All maintenance of the HVAC units are handled by the owners. We currently have two preschools, one in Morrisville for 12 years and another in Cary, for five years. Our two existing preschools have the exact same thermostat locations and they have worked extremely well. We are asking for an interpretation of acceptance or permission because the building is owner-occupied, we handle all of the thermostat programming and all of the HVAC maintenance once the building is operational. The Town of Apex is asking for your permission on a letterhead for us to submit to them for acceptance and approval. We were hoping that based on the code outlined below, that it would be acceptable for our thermostats could be installed outside the accessible reach range because they are maintained only by the building owner and not the building occupants.

Section 1109.13 Controls, operating mechanisms and hardware in the 2018 NCBC has an exception for operable parts intended for use only by the service or maintenance personnel.

Thank you for your time and looking into this manner for us.

Please do not hesitate to call us with any questions at 919-608-7879 or email to TKUGLER5@AOL.COM.

Sincerely,

A handwritten signature in black ink, appearing to read "DK", is written over a light blue horizontal line. The signature is fluid and cursive.

Dan Kugler
Owner

Mailing Address:
All Starz Morrisville
6410 McCrimmon Pkwy
Morrisville, NC 27560