



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

June 30, 2021

Buddy Jenkins, PE  
President, Jenkins Consulting Engineers, PA  
1582 McArthur Road  
Fayetteville, NC 28311-1002

**RE: Congregational Christian Church of American Samoa, 6252 Camden Road, Fayetteville, NC  
2018 NCPC Section 403 - Travel Distance to Toilet Fixtures**

Mr. Jenkins:

This letter is in response to your appeal dated June 14, 2021 that was received in NCDOI on or shortly after that date. Your request for formal interpretation states:

“Does the code enforcement official require us to install a new door on the far-left end of the building so that we fail to meet his requirement?”

**Remarks:**

I believe you intended the question above to read as follows:

“Can the code enforcement official require us to install a new door on the far-left end of the building so that we fail to meet the travel distance requirement of the 2018 NC Plumbing Code?”

This interpretation will respond based on the revised question.

Code sections noted in this letter are referring to the 2018 edition of the NC Plumbing Code (NCPC) unless specifically noted.

**Attachments:**

- Attachment A: As a matter of record, the request for formal interpretation is provided.
- Attachment B: Copy of email chain referenced in Attachment A from DOI Chief Plumbing Code Consultant, Mark Burns dated May 11, 2021.
- Other documents submitted with the request for formal interpretation were too numerous to include with this document.

## Code Analysis:

Section 403.3 – Public Toilet Facilities states in part:

“Customers, patron, visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization.”

Based on the words “in structures and tenant spaces” the intent of the section is that toilet facilities be provided within the building that is requiring such facilities so that occupants are not required to be exposed to the elements to travel to the toilet facilities. We have concluded that this would allow covered walks to be allowed to connect separate buildings if both buildings are under the direct control of the same entity and thus insuring that the exterior doors will be unlocked as needed to access the required toilet facilities.

Section 202 – General Definitions defines “public” as:

“In the classification of plumbing fixtures, “public” applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, airports, bus and railroad stations, public buildings, bars, public comfort stations, office buildings, stadiums, stores, restaurants and other installations where a number of fixtures are installed so that their utilization is similarly unrestricted.”

The toilet fixtures in question are considered “public” based on the examples provided in the definition.

Section 403.3.3 – Location of Toilet Facilities an Occupancies Other Than Malls states in part:

“...the path of travel to such facilities shall not exceed a distance of travel or 500 feet (152 m).

Section 403.3.3 could be applied as part of the “public” facilities requirements. The travel distance is limited because of potential urgent need of such facilities. Because obstructions in a room (like furniture) are unknown, travel distance is measured at right angles from the point of origin to the point of termination unless there are specific factors that allow otherwise. Because the travel distance requirement is all about time, the distance begins at the most remote point in the fellowship hall and ends at the entrance to the toilet room. The distance on the sidewalk can be measured along the path of the sidewalk but begins at right angles again within the existing sanctuary building.

Table 403.1, footnote “e” applies to church facilities and reads as follows:

“The number of fixtures provided shall be based on either the capacity of the church sanctuary or the church education building (including fellowship halls and multi-purpose rooms), whichever is larger and within 300 feet (91.44 m).”

Footnote “e” could be applied as it specifically addresses toilet facilities for churches. Also see comments above regarding travel distance under Section 403.3.3.

Section 102.1 – General states in part:

“Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.”

Because Table 403.1, footnote “e” is more specific than Section 403.3.3, Table 403.1, footnote “e” must be applied. The travel distance for this project is limited to 300 feet.

**Conclusions:**

I find no requirement for an exterior door to be added to the proposed fellowship hall for the purpose of creating a travel distance to the existing toilet facilities in the sanctuary building. However, the travel distance for the use of the existing toilet facilities is limited to 300 feet by Table 403.1, footnote "e". That distance is measured from the most remote point in the fellowship hall to the entry door of the toilet rooms.

Please call if you have comments or questions.

Sincerely,



Carl Martin, RA  
Deputy Commissioner  
Division Chief of Engineering

cc: File  
Robbie Davis, Chairman – BCC  
Danny Priest, Vice-Chairman – BCC  
Keith Rogers, Chairman Mechanical/Plumbing Standing Committee – BCC  
James Rutherford, Housing and Code Enforcement Division Manager - Fayetteville

**ATTACHMENT A**



**APPENDIX E  
APPEALS  
NORTH CAROLINA  
BUILDING CODE COUNCIL**  
325 North Salisbury Street, Room 5\_44  
Raleigh, North Carolina 27603  
(919) 647-0095

APPEAL TO NCDOI/NCBCC      Hearing Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
GS 153A-374, GS 160A-434      GS 143-140, GS 143-141  
Formal Interpretation by NCDOI \_\_\_\_\_      Appeal of Local Decision to NCBCC \_\_\_\_\_  
Appeal of Local Decision to NCDOI \_\_\_\_\_      Appeal of NCDOI Decision to NCBCC \_\_\_\_\_

**APPELLANT** Jenkins Consulting Engineers, PA      **PHONE** ( 910 ) 822 - 1724  
**REPRESENTING** Congregational Christian Church of Samoa  
**ADDRESS** 6252 Camden Road  
**CITY** Fayetteville      **STATE** NC      **ZIP** 28306  
**E-MAIL** \_buddyj@jenkinsce.pro

North Carolina State Building Code, Volume 2018 - Section 403

REQUEST ONE:       Formal Interpretation by NCDOI       Appeal of Local Decision to NCBCC  
                          Appeal of Local Decision to NCDOI       Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

Supporting documents and information attached.

REASON: Appeal of local decision as explained in attached letter.

Signature Buddy Jenkins

DATE: 14 June 21

APPEAL TO NCDOI/NCBCC

FORM 3/14/17

The accessory building was to be constructed as a multiple purpose and fellowship hall. It is a PEMB at 3200 GSF. There are no interior rooms or demised spaces inside the fellowship hall. There is no kitchen. Access to the building is through four (4) 72-inch wide double doors and three (3) 36-inch wide single doors. There is a five-foot-wide sidewalk on all sides of the building. A temporary concrete ramp provides access to the grade level approximately twelve (12) inches below the floor level. The ultimate use of the building has always been a "fellowship hall" that was to be constructed in phases due to funding limitations.

The inspection department denied the requested construction of the fellowship hall with the expressed use by the church to store building materials during its phased construction schedule. The fellowship plans were revised and permitted to "call" the building storage. The plans included a scope of work that detailed the phased construction; however, the inspection department required a signed affidavit from the church acknowledging this restricted use. A second set of plans has been completed and submitted for review for the second phase of the work to provide final details for the building to be used as the Fellowship Hall. The plans have been denied for not having restroom facilities in the building.

The inspector review comments say the travel distance must be measured from the most remote point in the existing building completed as a storage building to the furthest plumbing fixture. The distance cannot exceed 300 feet and in the words of the building code official "the building cannot be used".

EXISTING CONDITIONS:

The distance between the two building, fellowship hall and sanctuary is 158 feet.

The travel distance from the fellowship hall entrance door to the toilet fixture is 273 feet.

The travel distance from the most remote point in the fellowship hall to the toilet fixture is 355 feet.

REASON:

The plumbing and building inspectors are telling us "the *CODE* provides for a maximum travel distance of 300 feet for our use." NCDOL is telling us "we have to provide employee toilet facilities in the fellowship hall building in case there could ever be an employee and they cannot share the existing sanctuary restroom facilities."

Signature:



Date:





1606 McArthur Rd.  
910.822.1724



Fayetteville, North Carolina  
910.822.4645 (FAX)

14 June 2021  
Chief Code Consultant  
North Carolina Department of Insurance  
Office of the State Fire Marshal  
Albemarle Building  
325 N. Salisbury Street  
Raleigh North Carolina 27603

Re: Decision and Determination of NCDOI Interpretation of Plumbing Code

Dear Mr. Martin,

Below are questions and issues we have for our submission of renovation plans for the fellowship hall at Congregational Christian Church of American Samoa to the Cumberland County Planning and Inspection Department. As you were included on all of the email correspondence with the Chief Plumbing Code Consultant, Mr. Mark Burns, those points are omitted here. Due to the volume of material and its difficulty in emailing (MB) and postal mailing (boxes) we have printed this package provide in hardcopy and will deliver to the office above. As we mentioned several times to Mr. Mark Burns, we are available to present this information in person, if it will help you.

1. 2018 NCPC, SECTION 403, TABLE 403.1 Area 1, Assembly Classification, A-3 Occupancy, Description: Places of worship and other religious services, Churches without assembly halls.

Footnote "e" is not present in this area of the table nor in *any* table area. Footnote "e" is described in the list of footnotes found at the end of Table 403.1. Page viii in the code preface provides guidance for the reader to follow Marginal and Text Markings in the body of the code specifically noting an arrow (→) as a deletion indication. This arrow is placed at footnote "e" and footnote "e" assignment is clearly eliminated from the code text in the Description area of Table 403.1. All of the listed footnotes are assigned to the Table in at least one occurrence, except footnote "e". See attachment J.

We reviewed the NCDOI website and found an extensive list of amendments in a document dated September 1, 2020. There is no amendment assigning footnote "e" to the Table area for Places of worship in the 2018 NC Plumbing Code.

We reviewed the NCDOI website and read the 2018 NC Plumbing Code – Proposed "Base Documents" and Ad-Hoc committee amendments. Page 74 includes Churches without assembly halls and it clearly *excludes* footnote "e" by reference or assignment. See attachment W.

With a *strict, letter of the code interpretation* we consider this footnote "e" deleted from the 2018 NC Plumbing Code. We are certain, anyone reading the preface notes will

Jenkins Consulting Engineers, PA

Fayetteville, North Carolina

come to the same conclusion. Your rules are clear and undeniable. For the local code enforcement official, however, all they need to place this deleted footnote *back into* the CODE is for Mr. Mark Burns' words and instruction to the local code enforcement official that "It was NOT DELETED from the code".

Is it unreasonable for this omission to be properly addressed through NCDOI administrative process and that the provision not be enforced until it is properly addressed by corrections and errata? If all it takes is for Mr. Mark Burns to *say it is so*, then we have no need for interpretations, appeals and errata.

Please provide us with an official opinion, (a formal expression) of the footnote, more than a *personal* opinion. Is it in or out, applicable or not? If it is presently out of the code, is it enforceable to the *strict letter of the code*? Will there be a code amendment giving the designers and code enforcement officials instructions on applying the code provision?

2. In the NC Plumbing Code, a table provides guidance on how to *calculate* (by a mathematical equation) the minimum required plumbing fixtures. In this case, the Description section of Table 403.1 includes the phrase: "Churches without assembly halls". There are no explanatory comments in the footnotes as to the meaning and relevance of this code requirement. Does this area of Table 403.1 include or exclude fellowship halls occupants in the calculation process?

We read this code and understand it to mean designers are to calculate the number of required plumbing fixtures based on the church occupancy alone and without counting the number of the assembly hall occupants and adding this occupant total together before calculating the minimum number of required plumbing fixtures.

Please provide us an interpretation and explanation of the description "Churches without assembly halls". See attachment J.

3. NCDOI interpretation dated November 18, 2013 addresses the 2012 NCPC Table 403.1 footnote "e" which states: "The number of fixtures provided shall be based on either the capacity of the church sanctuary or the church educational building, whichever is larger and within 300 feet" and describes its meaning by stating "This means that the educational building or fellowship hall could be a separate building with the required number of toilet fixtures within 300 feet based on the larger of the occupancies." See attachment B.

Please provide us a determination and interpretation of this existing NCDOI interpretation as to its actual meaning, specifically did the code writers add "and within 300 feet" to demonstrate a limitation and maximum building *remoteness* necessary to select the correct number of occupants before calculating the minimum number of required fixtures.

We consider footnote "e" to be a mathematical equation and formula. We conjugate the sentence as it is found in the code and it provides us with an understanding based on what

is actually written. This understanding follows the 2013 interpretation referenced above, but we can now explain the end of the sentence.

First, we consider where the footnote (equation) is located in the code. It is found in the Table 403.1 noted as MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES. Table 403.1 is a compilation of formulae for the expressed purpose of determining a *number*. The subsequent paragraph provides more instructions on determining the correct and acceptable *whole number*. The footnote is not found in subsequent code paragraphs that detail access paths, routes and travel distance limitations.

Second, the *equation* says “the number of fixtures shall be based on”... *something*. The something is either the **capacity** of the church sanctuary (building X) occupancy or *something else*. This something else has to be a **capacity** of another building that will satisfy the “either- or” condition. It could be the church educational (building A) and *something else*. The next something else must be added to the previous total to satisfy the “and”. It is (building B) written in the footnote as fellowship hall building and must include *something else*. This next something else must be added to the previous total to satisfy the “and”. It is a single multiple purpose room #1 (building C) and must include *something else*. This next something else must be added to the previous total to satisfy the plurality of multiple purpose rooms. It is a multiple purpose room #2. (building D). Before we can add all of these values we must check and satisfy the last “and” statement, to see if the buildings meet the **proximity** test of the equation and that is *are the additional buildings within 300 feet?* The footnote (equation) says “and within 300 feet”. We must throw out any buildings that are not within 300 feet. After determining the locations of the buildings on the site we confirmed multiple purpose room #1 is 400 feet from the sanctuary and its occupancy total will not be used to calculate the larger capacity of the occupancies.

This footnote (equation) is provided in the plumbing code exclusively to calculate the minimum number of required plumbing fixtures, not a travel distance. You cannot derive quantity *and* distance from this equation. The equation is NOT used to calculate the MAXIMUM TRAVEL distance from a REQUIRED remote exit. The travel distance is specified in Paragraph 403.3.3.3 Location of toilet facilities in occupancies other than malls. The travel distance is clearly limited “not to exceed 500 feet”. There is insufficient written documentation to suggest anything else. See attachment **D**.

Please provide us with the code reference that allows the code enforcement official and NCDOT Code consultant to overstate and embellish your interpretation in 2013 to **now** mean *the travel distance from the restroom to the most remote point in the fellowship hall must be less than 300 feet*.

4. We are familiar with each of the previous NCPC code editions (Standard Plumbing Code 1988 and more recent) and often return to them to understand the way our NCPC evolves to the adopted code that designers and code enforcement officials must use in our service to the public. In the 1991 NCS Plumbing Code with 1994 Revisions, page 71 includes footnote 17 as follows: “The number of fixtures provided shall be based on either the capacity of the church sanctuary or the church educational building, whichever is larger.” See attachment **K**.



We read this code and understand it to mean designers and code enforcement officials are to calculate the number of fixtures based on the greater occupancy number of the two buildings and that sharing required plumbing facilities is acceptable. Do the words written in previous code editions now have different meanings?

Please provide us with a new explanation in the way of a determination and interpretation of this thirty-year-old code reference. Can designers and code enforcement officials agree to this established practice to share toilets in either of the buildings as long as there are an adequate number of plumbing fixtures for the larger number of the two buildings occupants? Can these facilities be shared by the occupant use types of Sanctuary and Educational Building?

Can designers and code enforcement officials agree to the general provisions of previous code editions, specifically that adequate facilities must be provided for the public use and that provisions that say the same thing in earlier codes continue to have the same meaning today?

5. The local code enforcement official indicated on his review comments on 04/21/2021 "According to NC Code book, Table 403.1 foot note e. Must be no greater than 300 feet." And on his initial review comments of 08/18/20 "Indicate travel distance to restroom from the most remote point of new building." See Attachment **E&F**.

We provided the code official with a drawing on 04/26/2021 that shows the distance between the sanctuary building and the fellowship hall building is 158 feet. The distance from the restroom door to the closest door in the single room fellowship hall space is 264 feet as shown on attachment **L**. The distance is also shown on our initial drawings BCS & G5 from July 21, 2020. See attachments **C&D**.

Please provide us with a code reference and determination of his disapproving comment and explanation of *what* must be no greater than 300 feet? Please provide us with guidance on applying this footnote "e" specifically the actual text at the end of Table 403.1 that says: "*and within 300 feet (91.44 m)*".

6. The Local code enforcement official indicated on his review comment on 04/23/2021, the second disapproval, "Need Occupancy load to determine how many restrooms are needed". See attachment **F**.

We provided the code official with a drawing on 04/26/2021 showing the occupancy of each building and the calculated number of occupants the existing fixtures will support. We summarize our calculations as follows: In the sanctuary building there are two restrooms with separated facilities for men and women. The men's room has one toilet, one urinal and one lavatory. The toilet and urinal are adequate for 300 men, but the single lavatory is only adequate for 200. The women's room has two toilets and one lavatory. The two toilets are adequate for 300 women but the lavatory is only adequate for 150 women. The *mathematical equation* confirms our combined fixtures are

adequate to serve 300 occupants based on a 50/50 split on the equal distribution of the sexes per NCPC 403.1.1. See attachment G.

Please provide us with a determination of the accuracy of our calculations for the minimum required fixtures and an explanation of the third disapproval on 04/28/2021 from the code enforcement official. See attachment M.

7. The local code enforcement official indicated on his review comments on 04/28/2021 "Must have a bathroom with-in 300 feet from most remote area." This comment is believed to be his interpretation of footnote "e". See attachment M.

We consider, as do the current code writers, the older, original plumbing codes are "base" codes that are amended and updated with subsequent code cycles. You can see this in the Ad-Hoc committee minutes where they reference the previous code as "Bring forward from the 2009 NC Plumbing Code". See attachment A.

We consider written guidance from previous code editions that elaborate on general consensus items as acceptable and learned skills for the designer and code enforcement official. For example, footnote 21 in the 1994 Revision to the 1991 NCSPC provides: "Where there are activities performed in single story buildings, the required sanitary facilities for these buildings may be provided on the first floor (of) nearby buildings. The travel distance **from the entrance** of the building without facilities **to the toilet room** of the adjacent building shall be a maximum of 400 feet". See attachment N.

We consider a reasonable interpretation of "within 300 feet" to be just like the cited footnote above: Where there are activities in the single-story fellowship hall, the required sanitary facilities for the fellowship hall may be provided on the first floor of the nearby sanctuary building. The travel distance from the entrance of the fellowship hall without facilities to the toilet rooms in the adjacent sanctuary building shall be a maximum of 300 feet. The "300 feet" is the prescribed distance in footnote "e" and our original design shows the travel distance from the entrance of the fellowship hall building to the toilet rooms to be 264 feet.

Please provide us a determination of this third disapproval as to the written content of the NC Plumbing Code, Chapter 4. Please provide us with the code references or code amendments that supports and justifies this new extended code interpretation of "from most remote area" by the code enforcement officials. See attachment M.

8. We met the local code enforcement official at the inspections department on 04/26/2021 when we delivered the plans. We requested he open the plans and code book and allow us to discuss the conclusions we made and their conclusions and continued disapproval of our plans. The code official refused to discuss the plans in a public forum with other code officials in the room and walked away from me while I was speaking to him.

Please provide us with guidance on how we are to discuss our code issues and how we are to present our design in a face to face manner with our local code enforcement

official. We were properly spaced apart and both had face masks to comply with their visiting guidelines.

9. We interpret footnote “e” as it is written. When it *is found* in the Table area it acknowledges the sanctuary occupancy and the fellowship hall and by the expanded text, “the educational building (including fellowship halls and multiple purpose rooms), whichever is larger and within 300 feet.” We indicate on our plans the building name as “Fellowship Hall”. This is our understanding of the church’s intended use of the building. We also indicate on our plans physical measurements that clearly show the building is within 300 feet of the restroom.

We do not understand the code enforcement official’s interpretation that the “single area” fellowship hall has “*most remote areas*”. Is this an attempt to by the code enforcement official to create a new code requirement to a theoretical “most remote area”? Does his definition exceed the actual CODE text? With considerable information on the plans and continuous disapproval of our project, is this an attempt by the code enforcement official to force the church into installing additional toilet facilities? See attachment **M**.

Please provide us with guidance as to the code enforcement official’s interpretation of our plan. Is his expanded definition permitted in the code?

10. In May 2018 we provided plans for installation of a modular classroom building at the site of River Community Church at 771 Elliot Bridge Road in Cumberland County. We retained services of a site engineer, George Rose, PE for the civil, site and foundation design of the modular. We do not have access to the county plan review comments, but are able to summarize with email from the County Planning reviewers and shared comments with our site designer. As you can read in the email correspondence (See Attachment **P**.) we had the site plan drawing completed prior to submitting the building plans for review. We show on the site plans where the building is to be located. Our site plan was disapproved by code enforcement officials citing the travel distance to the restroom from the modular classroom was greater than **200 feet**. We contracted (and paid additional design fees) for redesigning the site plan and moved the building approximately 10 feet closer to the sanctuary building. We provided drawings to the code enforcement official that confirmed the travel distance to be 199 feet. See attachments **Q, R and S**.

We met with the code enforcement official and he communicated clearly and deliberately, he was going to measure the travel distance himself, during the final inspection and if it was greater than 200 feet, the certificate of occupancy will be withheld until the Sunday school classroom building and its elevated walkway were moved closer to the sanctuary building. The code enforcement official was highly aggravated that our new distance measured a single foot less than *his* required 200-foot travel distance.

Please provide us with a code reference and an explanation as to the 200 feet maximum travel distance from a church classroom to the restroom requirement from the code enforcement official. Is the code enforcement official's requirement of the 200-foot maximum travel distance the correct interpretation?

11. The applicable code for the River Community Church project is the previous 2012 code. It is provided here for us to demonstrate and establish a pattern of inconsistencies in the local code enforcement official's interpretation of the travel distance requirements. 2012 NCPC, page 23, Paragraph 403.9.5.4 Modular Classroom Buildings provides: Toilet rooms may be omitted in a modular classroom building when facilities of sufficient capacity for the additional occupants are provided in an adjacent building and located within 200 feet of horizontal travel distance from the modular classroom. This is the only place in the code that references 200 feet travel distance. See attachment T.

We find this code reference as one of five (5) Miscellaneous provisions found in Section 403.9 Plumbing fixtures for **public schools**. This use is **not** a public or private school. It is **not** part of a daycare facility. It is a Sunday School classroom at a place of religious worship as clearly noted on the title block of the drawing we submitted to the county planning office.

The term **public** was added to the requirements for fixture requirements for schools in the 2006 NCPC edition. Please provide us with the distinction from previous code editions that referenced "schools" and current edition that references "public schools". Are there different requirements for schools based on their public funding or private funding in the plumbing code?

Please provide us with code references and guidance that allows and permits the code enforcement official to apply code requirements for an Educational Use (paragraph 403.9.5.4) to our A3 church use, completely unchecked by his colleagues and other code enforcement officials, ultimately requiring changing designs that exceed the minimum state adopted code requirements. Please explain how this serves and protects the public. Specifically, did the local municipality grant or convey, by passing a law, special authority to the county code enforcement officials to use unchecked and unilateral powers, powers that designers are not aware?

Please provide us with a code interpretation as to applicability of 2012 NCPC Paragraph 403.9 and 2018 NCPC Paragraph 403.8 **Plumbing fixtures for public schools** for design requirements for private charter schools and private Christian or religious based schools. By the paragraph title alone are we to assume there are different (or NO) rules for schools other than public schools? The code is silent on this issue, except paragraph 403.9.1 provides "The occupant load for private schools shall be as listed in Table 1004.1.2 of the NC Building Code".

12. We understand and confirmed our interpretation of footnote "e" with NCDOT Plumbing Ad-Hoc Committee Meeting November 30, 2009. The committee met and added clarification to footnote "e" by the addition of the phrase: "and within 300 feet". This phrase was not found in the footnote of NCPC 2009 edition. It is included as

attachment H. We contacted a member of the committee. Mr. Ken Keplar, Chief Building Inspector of Wake County says the phrase “and within 300 feet” means some of these facilities may be located on the same property and they would have to be included in the calculations for minimum number of plumbing fixtures. See attachments A & H.

Mr. Keplar replied to my email request in context and did not tie the phrase to a “maximum travel distance to the most remote point.” See attachment O.

Please provide us with a formal opinion and interpretation of Mr. Ken Keplar’s understanding in 2009 and now. Does the term “and within 300 feet” mean something different from when it was written?

13. The NCPC Chapter 4 Section 403 when read in its entirety provides the designer and code enforcement officials with guidance on determining the minimum plumbing facilities to serve the public.

Paragraph 403.3 requires customers, patrons and visitors to be provided with public toilet facilities. The paragraph also requires employees shall be provided with toilet facilities. Employee toilets shall be separate or combined facilities.

Paragraph 403.3.1 requires specific access and routes to the remote public facilities and requires access at all times the building is occupied.

Paragraph 403.3.3 provides guidance for the locations of required *public and employee* toilet facilities. The code provides that for **all occupancies** the facilities shall be located not more than one story above or below the space and the path of travel shall not exceed a distance of 500 feet.

Please provide us with a formal opinion, interpretation and confirmation these paragraphs mean the same as when they were written.

14. Mr. Mark Burns, Chief Plumbing Code Consultant provided us with his interpretation of NCPC paragraph 403.3.3.2 Location of employee toilet facilities in mercantile and assembly occupancies.

We understand the intention of this code provision and offer the following explanation that is based on our reading of the 2015 IBC and the NCPC, both the 2012 and 2018 editions, and even earlier editions of the plumbing code. When you read all of the editions you can see how they have stayed essentially the same over the years.

We read the preceding 2018 NCPC paragraph 403.3.3 and it clearly states that the location of *public* and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed 500 feet. The 2015 IPC commentary for paragraph 403.3 (page 4-14) provides explanation of the phrase “spaces intended for



public utilization” as to include but are not limited to restaurants, nightclubs, theaters, offices, retail shops, stadiums, libraries and churches. This means that toilet facilities must be *available* for all public establishments for persons engaged in the activities of the establishment, both employees, customers, patrons and visitors. An exception in this paragraph extends the travel distance beyond 500 feet for factory and industrial occupancies.

2018 NCPC Sub-paragraph 403.3.3.1 attempts to clarify the employee access travel distance by inferring it shall be measured from within the employee work area. This code provision will shorten the 500 feet limit for employees because the employee work area could likely be an appreciable distance farther than from the *main entrance* of the building or tenant space. The wording is much clearer in paragraph 403.3.4 with regards to where you should calculate the starting point of employee access travel distance. As written, the paragraph 403.3.3.1 is vague and confusing.

Does this code provision require an employee toilet facility (restroom) to be located within the employee’s work area on an accessible route, for all occupancies other than assembly and mercantile? Please provide interpretation and code clarification for NCPC paragraph 403.3.3.1.

2018 NCPC Sub-paragraph 403.3.3.2 Location of employee toilet facilities in mercantile and assembly occupancies must be read thoroughly and using prescribed definitions found in Chapter 2, those defined by Merriam Webster, and descriptions found in Table 403.1. When we use these terms and place them in the simple order, they are written we get a clear understanding of the code provision provide by the code writers.

Mercantile occupancies by description in Table 403.1 includes Retail stores, service stations, shops, salesrooms, markets and shopping centers.

Mercantile occupancy is further described in NCBC Section 309, Paragraph 309.1 as the use of a building for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies include Department stores, Drug stores, markets, motor fuel dispensing facilities, retail or wholesale stores and sales rooms.

“Mercantile” as defined by Merriam Webster – “of or relating to the business of buying and selling products to earn money”

Assembly occupancies by description in Table 403.1 include Theaters and other buildings for the performing arts and motion pictures, Theaters in K-12 schools, Nightclubs, bars, taverns, dance halls and buildings for similar purposes, restaurants, banquet halls and food courts, Cafeterias in K-12 schools Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums, Gymnasiums in K-12 schools Passenger terminals and transportation facilities, places of worship and other religious services. Churches without assembly halls, coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities, Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and

activities, K-12 stadiums, bleachers and grandstands for outdoor sporting events and activities.

Assembly occupancy is further described in NCBC Section 303 and includes the following uses in addition to those listed above, TV and Radio Studio admitting an audience, Casinos (gaming area), bowling alleys, courtrooms, Funeral parlors and pool and billiard parlors.

“Assembly” as defined by Meriam Webster – “a company of persons collected together in one place usually for some common purpose”

“Public-use area” is defined in NCBC Chapter 2 page 26 as interior or exterior rooms or spaces that are made available to the general public.

Public or Public Utilization is defined in NCPC Chapter 2 page 11 as in the classification of plumbing fixtures, “*public*” applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, airports, bus and railroad stations, public buildings, bars, public comfort stations, office buildings, stadiums, stores, restaurants and other installations where a number of fixtures are installed so that their utilization is similarly unrestricted.

“Employee” as defined by Merriam Webster – “a person usually below the executive level who is hired by another to perform services especially for wages or salary and is under the other’s control. NOTE: In determining whether an individual is an employee, courts look at several factors, including the nature of the compensation paid, provisions for employee benefits, whether the hired party is in business, tax treatment of the hired party, source of the equipment used, and location of the work. Statutes, such as workers’ compensation acts and labor laws, usually include a definition of employee as it is used in the statute.”

All of the occupancy descriptions in Table 403.1 that fall into the occupancy classification of Mercantile are **business establishments**. These establishments have **employees** on site at all times, to sell their products to the public. The merchants must maintain employees at the location at all times and must secure their merchandise from theft and or consumption without payment for their goods. In the opinion of Mr. Mark Burns, sub-paragraph 403.3.3.2 was written into the plumbing code to aid merchants and to help prevent looting or theft of wares. It is reasonable for the code provisions to include employee toilet facilities in the buildings and tenant spaces where business by merchants is conducted with the public, however the 2018 code does not provide this new provision.

All of the occupancy descriptions in Table 403.1 that fall into the occupancy classification of Assembly are **business establishments** except one, “Places of worship and other religious services”. All of these business assembly establishments have **employees** on site at all times to conduct their business with the public, engaging in the activities of the establishment. These business or venues must maintain **employees** at the location to serve the public, provide access, provide security, sell consumables, sell entertainment, sell transportation, and even sell exercise. These establishments are there to sell to the public and must have **employees** on site at all times to secure and restrict the

public from accessing the establishment without payment. In Mr. Mark Burns opinion, sub-paragraph 403.3.3.2 was revised into the plumbing code to aid assembly type business establishments in an effort to prevent unauthorized entry and utilization of the activities of the establishment, by keeping the employee "in the building".

Continuing with Mr. Mark Burns' logic and train of thought, it is reasonable for the code provisions to include **employee** toilet facilities in the buildings and tenant spaces where assembly activity and business is conducted with the public, but (per code provisions) only in a *non-mall* setting. Please provide us with formal opinion of our understanding of Mr. Mark Burns' position with regards to **employee** toilet facilities.

15. Is it the Department of Insurance, Engineering Division's interpretation of the NC Plumbing Code Paragraph 403.3.3.2 that the non-business entity, a place of religious worship, and specifically known as the Congregational Christian Church of American Samoa must create a full time position of "Setting-up for a special service in an A-3 Church", fill this position with a fully- compensated **employee** so the fellowship hall building will require an employee toilet facility? Is this scenario of "could be" posed by the Chief Plumbing Code Consultant to enforce the strict letter of the code in the normal and expected use of fellowship halls?

We consider the code revisions from 2012 to the current 2018 edition to be unusually written and incredibly confusing with Mr. Mark Burns email. We read the 2018 NC Building Code Plumbing Ad-Hoc Committee Recommended Amendments for the 2018 NC Plumbing Code and find no clarity or documentation that should be present when making a significant change to the 2012 plumbing code. Code provisions requiring employee toilet facilities in all mercantile and assembly tenant spaces are a significant code change. We offer the following inconsistencies and beg guidance and clarification.

- a. 2012 NCBC Paragraph 403.6 Public facilities. Customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization. Public toilet facilities shall be located not more than one story above or below the space required to have public toilets and the path of travel to such facilities shall not exceed 500 feet. Sub-paragraph 403.6.1 Covered Malls reduces the path of travel to 300 feet and describes the how and where the travel path is to be measured as *from the main entrance of any store or tenant space*.

2018 NCPC Paragraph 403.3 Required public toilet facilities. Customers, patrons and visitors shall be provided with *public* toilet facilities in structures and tenant spaces intended for public utilization. The number of plumbing fixtures located within the required toilet facilities shall be provided in accordance with Section 403 for all users. **Employees** shall be provided with toilet facilities in all *occupancies*. **Employee** toilet facilities shall be either separate or combined employee and *public* toilet facilities. (Two exceptions are noted where *public* toilet facilities are not required.)

2018 NCPC Paragraph 403.3.1 Access (The route, accessible path and access when the building is occupied). Paragraph 403.3.2 (restrictions on location).

- b. 2012 NCPC Paragraph 403.4 Location of **employee** toilet facilities in occupancies other than assembly or mercantile. Access (path of travel) to toilet facilities in occupancies other than assembly and mercantile occupancies shall be (measured) from within the **employees'** work area. Employee facilities shall be either separate facilities or combined employee and public facilities. (This is a paragraph to determine the measuring *rule* when the code provides us with the required distance in Paragraph 403.4.1: **Travel Distance**. The required toilet facilities in occupancies other than assembly or mercantile shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet.

2018 NCPC Paragraph 403.3.3 Location of toilet facilities in occupancies other than in malls, and Paragraph 403.3.3.1 Locations of **employee** toilet facilities in occupancies other than assembly or mercantile. Access (path of travel) to toilet facilities in occupancies other than mercantile and assembly occupancies shall be (measured) from within the employees' working area.

Employee facilities shall be either separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks and are located in adjacent structures under the same ownership, lease or control, shall be a maximum travel distance of 500 feet from the employees' working area.

Is it a reasonable interpretation of the current 2018 NCPC and affirm the *working area* of the **employee** is the point of measurement to the required toilet facilities and this requirement is unchanged from the 2012 NCPC edition? The code provides: Technical changes from the requirements of the 2012 edition are indicated by a solid vertical bar in the margins within the body of the code. There is no vertical bar *marking in the margin* signifying this requirement is unchanged from the 2012 NCPC.

- c. 2012 NCPC Paragraph 403.5 Location of employee toilet facilities in mercantile and assembly occupancies. **Employees** shall be provided with toilet facilities in buildings and tenant spaces utilized as restaurants, nightclubs, places of public assembly, and mercantile occupancies. The employee facilities shall be either separate facilities or combined with employee and public facilities. The required toilet facilities shall be located not more than one story above or below the employees' work area and the path of travel to such facilities, in other than covered malls, shall not exceed a distance of 500 feet. The path of travel to required facilities in covered malls shall not exceed a distance of 300 feet. This verbatim paragraph is found in the 2006 NCPC Commentary. Does this code provision *now* have a different meaning?

2018 NCPC Paragraph 403.3.3.2 (cited by Mr. Mark Burns, DOI Chief Code consultant) Location of **employee** toilet facilities in mercantile and assembly occupancies. Employees shall be provided with toilet facilities in buildings and

tenant spaces utilized as restaurants, nightclubs, places of public assembly, and mercantile occupancies. The employee facilities shall be either separate facilities or combined employee and public facilities. (No additional text is provided here.)

This entire paragraph is directly found in the 2012 NCPC above as well as each previous code editions back to 2002. It is verbatim to the previous codes. Its text is found in the plumbing code on page 27, at the bottom of the page, requiring any additional information to be found on the turned page. There is no additional information on the next page. Is this simply a typographical error?

We refer to NCPC Chapter 4 and to NCBC Chapter 29, and the instructions found in the front Preface of these two codes. To agree with Mr. Mark Burns' interpretation and comment this paragraph "does not give us a choice" certain information, spelled out in the code reader instructions must be present in the body of the code. The required markings and information for the reader is found on page viii of the Preface.

**First**, a code revision would trigger a | (solid vertical bar) in the margin of the text, indicating a technical change from the requirements of the 2012 edition. Placement of vertical bars in the margins goes back to the 1988 code to indicate a code change. There is no solid vertical bar. Did the code writers simply forget to add the vertical bar indicators this time? Vertical bars are placed on the same page that Mr. Mark Burns is citing in the 2018 code where two words were changed from "maximum *travel distances* to" changed to "maximum *distance of travel* to". This relatively small, two-word code change was considered important enough to trigger the vertical bar indicator, but Mr. Mark Burns' MAJOR code revision does not? See attachment U.

**Second**, an → (arrow) would indicate deleted paragraph text from the previous code edition to validate Mr. Mark Burns' assertion that the employees' toilet facilities are no longer permitted to be "one floor above or below the work area and not exceeding a distance of 500 feet" as was the case in the 2012 edition. If true, this is a very important provision. There is no arrow.

**Third**, a *significant* code revision would require Code Development Committee Responsibilities (Letter designations in Front of Section Numbers) For example, [P] is found in front of every numbered paragraph in chapter 29 of the NCBC. There is no bracketed P at this paragraph, alluding there is no Plumbing Committee *responsibility* for this change.

NCBC Preface, Code Development Committee Responsibilities (Letter Designations in Front of Section Numbers) provides indication and guidance the International Plumbing Code Development Committee is responsible for implementing or considering code change proposals rather than the building code committee. [P] 2902.3.2.1 is found for this paragraph: "Locations of employee toilet facilities in occupancies other than assembly or mercantile", but *is not found* at the paragraph cited by Mr. Mark Burns. The code preface does not fully explain this bracketed P marking but it is very interesting every paragraph in the entire chapter 29 is marked this way except the paragraph in question.



It is suspicious this paragraph from the 2012 code (and earlier editions) was simply chopped off and “pasted in” the 2018 code and not proofed by the plumbing ad-hoc committee. We cannot imagine the code writers were derelict or neglectful to take an established code provision of over twenty years and cut the second paragraph to totally reverse its original meaning now interpreted by Mr. Mark Burns. See attachment **I**.

**Fourth**, the Recommended Amendments for the 2018 NC Plumbing Code by the Ad-Hoc committee would have likely added clarification and enlightened commentary to describe this *new* code provision. There is no secondary information in the Amendments.

**Fifth**, an information sheet would likely be generated by the code writers to summarize the 2018 amendments adopted by the NC Building Code Council. We find this information sheet for the 1992 amendments clearly indicates the chapters and paragraphs changed by the Code Council. See attachment **Z**.

Please provide us with interpretation, confirmation and explanation of CODE text changes and the formatting of code revisions. Please provide us with a list (summary) of the code changes for this code cycle indicating *new requirements* for employee toilet facilities.

16. Mr. Mark Burns’ email notes that “toilet facilities must be **in the building** where the employees’ work area is located in assembly and mercantile occupancies other than malls”. Does this 2018 code interpretation exclude this new “restroom requirement” for these 60 (plus) business establishment types identified as mercantile and assembly occupancies that are located in **Malls**?

Are these establishments not equally and adversely impacted when their employees leave their work areas to use toilet facilities? Does the likelihood of theft or trespass diminish because they are located in the mall?

Does the chef cooking steak in a restaurant in a tenant space at the mall not have the same restroom requirements as the *non-mall* restaurant chefs?

Is the host at an A-2 nightclub at the mall required to leave their post for a longer period of time to use the toilet facilities simply because it is less than 300 feet to the facilities?

Is it appropriate and safe for the shoe store cashier to leave her work area, lock the front doors for the extended time to travel to the central toilet facilities at the center of the mall?

Places of public assembly with compensated employees to engage in the activities of the establishment are not the same as a member of the church congregation setting up a special service. How can Mr. Mark Burns exclude the tremendous number of legitimate business establishment **employee’s** toilet facility access and single out a small church

congregation with no employees? Is this an example of NCDOT protecting the public? Please provide us with a code reference, formal opinion and interpretation to support this inexplicit rationalization by Mr. Mark Burns. See attachment V.

17. Mr. Mark Burns' emails (May 7 and May 11) note "Please show the travel distance from the doors of the bathrooms to the most **remote required exit** of the new fellowship hall". He adds "the door utilized is not the most remote "required" exit". See attachments V and Y.

Please provide us with the code reference for these confusing statements by Mr. Mark Burns. Is he requiring us to measure and navigate another route so that we fail to meet his preconceived shorter travel path?

We offer the following distance calculation *formula* from the NC Building Code: In *non-code* terms: a building or space requires two exits, usually, because the occupancy exceeds 50 persons or the travel distance exceeds 75 feet, those exits must be located not side-by-side but *remote* from each other. The code provides in sprinklered buildings the separation distance must be 1/3 of the diagonal distance measured in the building. If the building is not protected by fire sprinklers, the separation distance must be 1/2 of the diagonal distance measured in the building. This second door can be located anywhere along the building perimeter as long as it is physically separated by the required distance.

In the case of the fellowship hall we designated the center door on the lower (south wall) as the main entrance and its remote second door is shown on the life safety / egress plan. These doors are not required to be on the far-left end of the fellowship hall as bad as that would be if we are required to use Mr. Mark Burns' definition of most remote required exit.

Does the code enforcement official require us to install a new door on the far-left end of the building so that we fail to meet his requirement? Please provide us with code review, formal opinion and interpretation of the life safety/egress plan with regards to our placement of the primary and secondary exits from the fellowship hall. See attachment X.

Respectfully submitted,



Buddy Jenkins, PE, President  
Jenkins Consulting Engineers, PA



Kelly Dodson, PE, Vice President  
Jenkins Consulting Engineers, PA

Attachments:

NCDOT form, completed

Printed attachments Labeled A-Z,

Original drawings plans submitted to the county without new restroom facilities

Revised drawing plans submitted to the county with new restroom facilities


## ATTACHMENT B

**From:** [Burns, Mark](#)  
**To:** [Buddy Jenkins](#)  
**Cc:** [Martin, Carl](#); [Dittman, Daniel E](#); [Rittinger, David B](#); [Michael Naylor](#)  
**Subject:** RE: [External] FW: footnote e in Plumbing Code table 403.1  
**Date:** Tuesday, May 11, 2021 3:19:10 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[ORIGINAL\\_Submitted\\_set\\_JenkinsCE-SamoaChurch-Phase2-FINAL-12MAR21.pdf](#)  
[SamoaChurch-24APR-G5.pdf](#)

---

Mr. Jenkins,

After looking further into this issue, the following does not give us a choice. In Section **403.3.3.2. Location of employee toilet facilities in mercantile and assembly occupancies**, it states:

"Employees **shall be provided** with toilet facilities **in buildings** and tenant spaces utilized as restaurants, nightclubs, **places of public assembly** and mercantile occupancies. The employee facilities shall be either separate facilities or combined public and employee facilities" (underlining & bold print was added for emphasis). We believe this requires the plumbing facilities must be located in the building where the employee works, whether combined with the public facilities, or not in those three types of Assembly Occupancies and Mercantile Occupancies, except Malls. 

So the minimum is to provide employee toilet facilities in those assembly and mercantile occupancies. The NC Code writers made two occupancies with potentially large occupant loads, in potentially large buildings be required to provide facilities for their employees, **in the building where the employee works**, but not necessarily the public facilities.

The North Carolina Code writers also required the employee toilet facility minimum in Section **403.3.3.2** after they made the statement allowing 500 feet travel distance in Section **403.3.3.1**, for all other occupancies other than assembly and mercantile. This establishes the intent that they were not addressing any requirement for travel distance because it simply is not allowed in those occupancies stated in Section **403.3.3.2**. They also can be "combined employee and public facilities" but, again, must still be **in the building** where the employees' work area is located.

The changes, by the North Carolina Code writers, that added Sections 403.3.3.1 & 403.3.3.2 to the 2015 IPC Code language, unfortunately have no available commentary.

When we look at the practical application of these Code Sections we can see the North Carolina Code-Writers' intent for employees. Employee examples, in large and small occupancies, could be:

- Setting-up for a special service in an A-3 church.
- Cooking the steaks in a commercial kitchen in an A-2 restaurant.
- Hosting in an A-2 nightclub.
- Operating a register in an M clothing store.

Each employee is there for a different function, each needs to use the plumbing facilities, but those facilities are from 301 feet, up to 500 feet (1-2/3 of a football field) away. Those businesses and gatherings are greatly impacted, and cannot serve the public as they need to, according to the North Carolina Code Writers, because of minimum code requirements that negatively impact each business' function. The North Carolina Code Writers resolved those issues.



We interpret the 300 feet in the 2018 NCPC Footnote "e" as **travel distance**-just like 200 ft travel distance in schools (403.8.2), 300 ft travel distance in malls (403.3.4), 500 ft travel distance from employees working areas (403.3.3.1), 500 ft travel distance in occupancies other than malls (403.3.3) and 500 ft travel distance to drinking fountains (403.5)...they are all travel distances. Please show the travel distance from the doors of the bathrooms to the most **remote required exit** of the new Fellowship Hall Building. The door utilized is not the most remote "required" exit door. This building is considered a Change of Occupancy as a new A-3 Fellowship Hall Building. All travel distances will be required per the 2018 NCPC for the building occupancy submitted. Currently this building is considered an Assembly occupancy. The travel distance for an Assembly Occupancy is per Table 403.1 and shall not exceed 300 feet in the 2018 NCPC, Footnote "e," to be in compliance.

NCDOL's interpretation remains as stated, and is further backed-up when including Section 403.3.3.2. Section 403.3.3.2 addresses location and requirement of employee plumbing fixtures and excludes travel distances for those listed A-2, A-3 & M Occupancies in Section 403.3.3.2.

If you have any questions or need further clarification please feel free to contact us.

Thanks,

**Mark S. Burns**  
**Chief Plumbing Code Consultant**  
**Engineering Division**

**N.C. Department of Insurance**  
**Office of State Fire Marshal**  
1202 Mail Service Center  
Raleigh, NC 27699-1202  
919.647.0006  
[mark.burns@ncdoi.gov](mailto:mark.burns@ncdoi.gov)

Link to a free view of the 2018 North Carolina State Codes:

<https://codes.iccsafe.org/category/North%20Carolina?year%5b%5d=Current+Adoption&page=1>

"Consistency" as defined by Merriam Webster – "harmony of conduct or practice with profession"

**From:** Buddy Jenkins <buddyj@jenkinsce.pro>

**Sent:** Friday, May 7, 2021 4:12 PM

**To:** Burns, Mark <mark.burns@ncdoi.gov>

**Cc:** Martin, Carl <Carl.Martin@ncdoi.gov>; Dittman, Daniel E <dan.dittman@ncdoi.gov>; Rittlinger, David B <david.rittlinger@ncdoi.gov>

**Subject:** [External] FW: footnote e in Plumbing Code table 403.1

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Mr. Burns,

We appreciate your consideration for a reasonable interpretation of the code as it is written. Below is an email from Ken Keplar, Chief building inspector for Wake County. He wrote the footnote "e" revision in 2009. From the writer's hand it is clear what the meaning is of "within 300 feet"

We consider the code to be very clear and our interpretation for the church is reasonable. Our interpretation does not imply anything more than what it says.

**"Travel distance"** is simply not in the footnote and I think your interpretation that it implies travel distance also implies the code writers were unable to add a paragraph that expressly states a different travel distance of 300 feet to that distance noted in other paragraphs of the code.

Can we ask you to look at the index on page 158 of the 2018 NCPC? Under TOILET FACILITIES "Required" (minimum number) is found in paragraph 403 **Travel Distance** is found in paragraph 403.3.3 and 403.3.4.

The travel distances you reference are not in this TABLE 403. They are NOT *just like* those you listed. They are in paragraphs 403.3.3 and 403.3.4 and additional paragraphs. These are paragraphs subsequent to the TABLE 403 and they all address travel distances. What better location of a travel distance code requirement than in the travel distance sections of the CODE.

Please consider this additional information in our humble request for you to reconsider this interpretation as it will impact the small church tremendously.

Buddy Jenkins

**From:** Ken Keplar <[Ken\\_Keplar@wakegov.com](mailto:Ken_Keplar@wakegov.com)>

**Sent:** Monday, April 26, 2021 2:31 PM

**To:** Buddy Jenkins <[buddyj@jenkinsce.pro](mailto:buddyj@jenkinsce.pro)>

**Subject:** RE: footnote e in Plumbing Code table 403.1

Buddy,

I am going to preface my statement by saying I have been out of the plumbing inspection business for a long time. I am currently managing a large team of inspectors and I am not as well versed in the codes as I once was when I was the Plumbing Chief. I have a vague recollection of this issue and I think the intention was to choose between the sanctuary "OR" the church educational building "(Including fellowship halls and multipurpose rooms), whichever is larger.

The within 300' meant some of these facilities may be located on the same property and they would have to be included in the calculation.

I hope this was helpful. I would reach out to the Department of Insurance for clarification.

Thank you

Ken

**From:** Buddy Jenkins <[buddyj@jenkinsce.pro](mailto:buddyj@jenkinsce.pro)>

**Sent:** Monday, April 26, 2021 2:03 PM

**To:** Ken Keplar <[Ken\\_Keplar@wakegov.com](mailto:Ken_Keplar@wakegov.com)>

**Subject:** footnote e in Plumbing Code table 403.1



**CAUTION:** This email originated from outside of the Wake County network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Mr. Kepler,

I have a local building inspector that is hung up on footnote "e" in the NCPC Table 403.1. I am drafting a request for clarification from the OSFM team and while looking at documents on their website I found this AdHoc minutes from 2009. It addresses the issue at hand. The ad-hoc committee added "within 300 feet" to the footnote.

Page 27 of the 2018 NCPC at paragraph 403.3.3 notes the path of travel to such facilities *shall not exceed 500 feet* in occupancies other than malls. This is a new note to this code cycle.

I'm hoping you have an opinion on the meaning of **within 300 feet** in the footnote "e"

It does not make sense to me to add a travel distance limit in a footnote that is explaining how to calculate the number of required fixtures in table 403.1. I think the "within 300 feet" means include occupants in out-buildings on a church campus that are "within 300 feet".

Please call me or reply here if you have a minute.

I wrote and edited construction specifications for the VA Medical Center for over 30 years and appreciate the inclusion of "Spec writer notes" in our specs. The notes often put the issue into perspective.

Buddy

**Buddy Jenkins, PE**



Jenkins Consulting Engineers, PA

**OUR NEW ADDRESS as of MARCH 1, 2021**

1606 McArthur Road

Fayetteville, North Carolina 28311-1002

910.822.1724

Cell 910.850.7956

E-mail correspondence sent to and received from this address may be subject to disclosure under the North Carolina Public Records Act unless made confidential under applicable law.